



City of Morro Bay

595 Harbor St. • Morro Bay, CA 93442-1900 • 805-772-1214

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

JUN 2 1993

UNIVERSITY OF CALIFORNIA

CITY OF MORRO BAY

Overview New Development Process/ Water Allocations/Conservation

The enclosed document copies are relevant to the City of Morro Bay's Growth Management Ordinance and Water Allocation Programs. This letter is intended to provide a brief history and clarification of these programs.

In 1977 the California Coastal Commission imposed a "de facto" building moratorium in the City of Morro Bay. The Commission felt that further withdrawal of groundwater, the sole source of water for the City, could result in saltwater intrusion to the freshwater aquifer and other environmental problems. Consequently, no new building which would increase demand on the water supply would be approved.

Since the late 1970's, the City has been replacing old, leaky water mains with new ones. The city calculated that a significant amount of water would be saved by the pipeline replacement program, and suggested to the Coastal Commission that some limited amount of new building could be permitted, utilizing this saved water, without placing new demand on the ground water resources. In 1982, the Commission issued a permit to the City which allowed Morro Bay to approve a limited amount of new construction, pursuant to a complicated "Water Recovery Allocation Model." Under this model, the Commission had emphasized commercial and industrial projects (eg: commercial fishing, coastal dependent industry and visitor-serving uses) over residential ones. The City had requested a greater amount of residential development in the program but the Commission felt that the emphasis on non-residential development was more consonant with the Coastal Act.

In 1984, the voters of Morro Bay passed "Measure F" a "Growth Management Ordinance". Under this ordinance, the City cannot approve more than 77 residential units each year (not including replacement of existing units). The City adopted Measure F as Ordinance No. 266, November 30, 1984. Measure F sets the rate of commercial growth at 130% of the water allocated to residential uses within each year.

This number is then divided up among the commercial priorities set in the "Water Recovery Allocation Model." The Water Allocation Model allowed for four quarterly allocations per year.

CITY HALL
595 Harbor Street

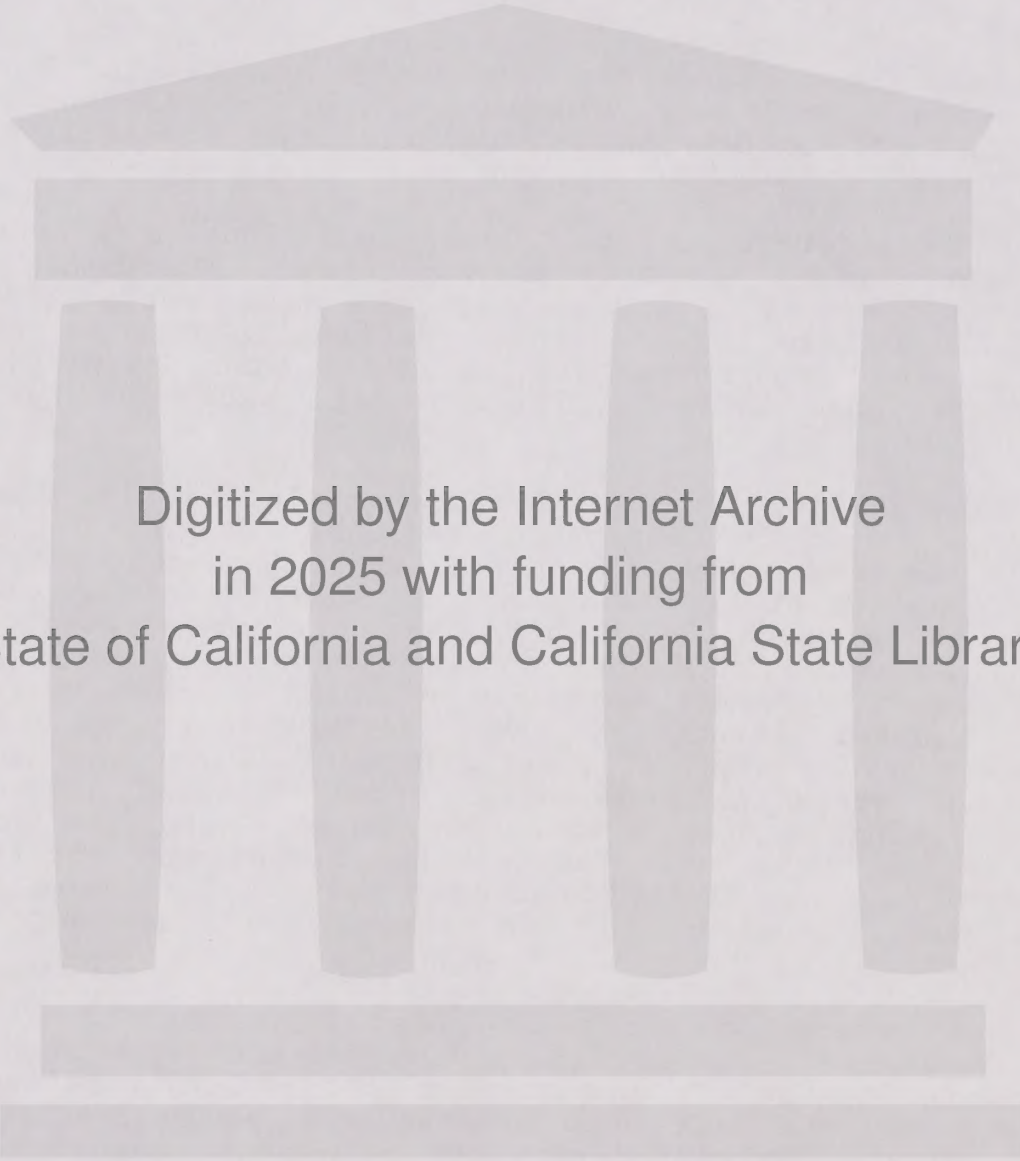
FIRE DEPARTMENT
715 Harbor Street

PUBLIC WORKS
695 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero

POLICE DEPARTMENT
850 Morro Bay Blvd.

RECREATION AND PARKS
1001 Kennedy Way



Digitized by the Internet Archive
in 2025 with funding from
State of California and California State Library

<https://archive.org/details/C124911146>

City of Morro Bay
Overview Development /Conservation

Under the Building Limitation Ordinance (Ord. 13.20) the City Council is required to review the Annual Water Report prepared by staff prior to approving the limit of growth under Measure F for the current year. The Annual Water Report provides an analysis of the previous year's growth and water availability status.

In 1985 the City devised an additional method of obtaining water which would again not tap the existing water supply, called the "Retrofit" Program. This program allowed applicants proposing new development to save the amount of water their projects required by exchanging plumbing fixtures (toilets, showerheads, and faucet fixtures) within existing structures from non-water saving devices to water saving devices at the applicant's expense. Each applicant was required to save twice the amount of water their project required, to insure an adequate saving was achieved. The excess savings were to be accumulated by the City and used at its discretion in future years. The Coastal Commission approved an amendment to the original permit to include the Retrofit Program.

In 1986 the Retrofit Program was used as a supplemental program to the Water Recovery Allocation (Pipeline Replacement) Program. In other words, those projects wishing to proceed through the Retrofit program were allowed to do so as long as they were within Measure F limits.

In 1987, due to the difficulty of the City to quantify the savings under the Water Recovery Allocation Model (Pipeline Replacement), the Council made only one quarterly award through this program. The Council set the allocation of new development to meet Measure F limits but required all subsequent developments in that year to proceed utilizing the Retrofit program. The analysis of the savings achieved under Retrofit is determined by a control group of units retrofitted in late 1985 and early 1986. The 1987 Annual Water Report indicated a savings of .86:1, rather than the 2:1 target.

In 1988 the City developed the "Blend" Water Allocation Program, which allowed applicants to procure one-half the amount of water required for a proposed development through the Retrofit Program, at a 2:1 savings ratio, and to purchase the other half from the Water Recovery Program. This mixture of both programs allowed a small amount of pipeline water to be allocated while hopefully extending the life of the Retrofit program. Applicants could then chose to use the Full Retrofit Program and save the full amount of water required by their projects, or use the Blend Program. Measure F limits were again allowed in that year.

The analysis of the savings achieved by the Retrofit Program in the 1988 Annual Water Report again indicated a less than 1:1 savings achieved by the control group.

Under the existing traffic conditions (see page 12), the City Council is requested to review the Annual Water Supply Report presented to the City Council by the City Engineer and to the Board of Public Works in the current year. The Annual Water Supply Report contains an analysis of the water supply situation and other pertinent facts.

In 1955 the City developed an estimate of water supply for the year 1956. This estimate was based on the "Water Supply" report presented to the City Council by the City Engineer and the Board of Public Works in the current year. This report contained an analysis of the water supply situation and other pertinent facts. The City Council is requested to review the Annual Water Supply Report presented to the City Council by the City Engineer and to the Board of Public Works in the current year. The Annual Water Supply Report contains an analysis of the water supply situation and other pertinent facts.

In 1956 the City Council requested the City Engineer to prepare a report on the water supply situation for the year 1957. This report was presented to the City Council by the City Engineer and the Board of Public Works in the current year. The City Council is requested to review the Annual Water Supply Report presented to the City Council by the City Engineer and to the Board of Public Works in the current year. The Annual Water Supply Report contains an analysis of the water supply situation and other pertinent facts.

In 1957 the City Council requested the City Engineer to prepare a report on the water supply situation for the year 1958. This report was presented to the City Council by the City Engineer and the Board of Public Works in the current year. The City Council is requested to review the Annual Water Supply Report presented to the City Council by the City Engineer and to the Board of Public Works in the current year. The Annual Water Supply Report contains an analysis of the water supply situation and other pertinent facts.

In 1958 the City Council requested the City Engineer to prepare a report on the water supply situation for the year 1959. This report was presented to the City Council by the City Engineer and the Board of Public Works in the current year. The City Council is requested to review the Annual Water Supply Report presented to the City Council by the City Engineer and to the Board of Public Works in the current year. The Annual Water Supply Report contains an analysis of the water supply situation and other pertinent facts.

The analysis of the water supply situation for the year 1959 was presented to the City Council by the City Engineer and the Board of Public Works in the current year. The City Council is requested to review the Annual Water Supply Report presented to the City Council by the City Engineer and to the Board of Public Works in the current year. The Annual Water Supply Report contains an analysis of the water supply situation and other pertinent facts.

City of Morro Bay
Overview Development /Conservation

In 1989 the Retrofit formula (value savings per fixture replaced) was adjusted down to reflect the more accurate savings achieved by the control group. During discussion of the operational procedures for that year, the City Council reduced the retrofit savings ratio required from 2:1 to 1.5:1. The option of using the Blend or Full Retrofit Allocation Program was continued and Measure F limits were allowed. There is currently no analysis available on the savings achieved under the adjusted retrofit formula.

In February of 1990, after review of the Annual Water Report, the City Council adopted the Water Allocation Program for 1990 with Resolution No. 18-90. The City Council made minor adjustments to the previous program (required a 2:1 savings ratio and replacement toilets to be 1.5 gal or less) and stated its intention to meet Measure F limits, although no allocation was made due to the insignificant amount of rainfall received and the low levels of several wells.

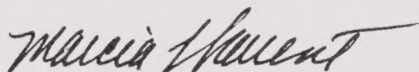
In 1991 the City Council determined no new water allocations would be made due to the low rainfall received and the well status. No restrictions were placed on the demolition and reconstruction, additions to or remodels of existing residential structures. The City Council instituted Level 5 (Mandatory Water Rationing) of Ordinance 347 in the summer of 1991.

Based on the above average rainfall received in 1992, the City Council reduced from Level 5 to Level 3 for water conservation requirements and approved a water allocation program to meet Measure F limits for new development. The Retrofit Program is being utilized by applicants to obtain the water necessary for the proposed uses.

The City is continuing its efforts to secure supplemental and replacement water resources by construction of a temporary desalination plant for emergency water shortage periods, requesting participation in the State Water Project and the Nacimiento Reservoir Project and is currently completing the City's Water Management Plan.

I hope this information is helpful to you. If you have any questions, please contact the Community Development Department, Morro Bay (805-772-6210)

Sincerely,



Marcia L. Laurent, Coordinator
Community Development Department



City of Morro Bay

595 Harbor St. • Morro Bay, CA 93442-1900 • 805-772-1214

CITY OF MORRO BAY DESCRIPTION OF WATER ALLOCATION PROCEDURES & WATER CONSERVATION MEASURES

The following is a compilation of materials and information regarding the City of Morro Bay's water allocation procedures for new development and the City's water conservation measures.

1. Chapter 13.20; Building Limitation Ordinance. Regulates the addition of new water use.
2. Off-Site Retrofit Program Guidelines and Administrative Process; Provides outline of procedures for new development.
3. Retrofit Formula for Calculating Water Savings
4. Ordinance No.s 336, 347 374, & 381; Water conservation measures.
5. Ordinance No. 352; Requires installation of ultra-low flush and flow fixtures.
6. Ordinance No. 375; Amends Section 13.20 Morro Bay Municipal to extend time limits for water allocations.
7. Ordinance No. 390; Measure I, Voter initiative restrictions on water allocation to new development.
8. Ordinance No. 393; Provides for "Special Building Allocation" of residential units utilizing existing water equivalency credits on-site. (ie: motel demolition and construction of condos)
9. Ordinance No. 394; Amends Section 13.20, operating procedures.
10. Ordinance No. 395; Requires mandatory retrofitting of structures prior to sale or transfer.

CITY HALL
595 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero

FIRE DEPARTMENT
715 Harbor Street

POLICE DEPARTMENT
850 Morro Bay Blvd.

PUBLIC WORKS
695 Harbor Street

RECREATION AND PARKS
1001 Kennedy Way



CITY OF MONO BAY
DEPARTMENT OF WATER UTILITIES
1 WATER CONSERVATION DIVISION

The following is a compilation of requests and information regarding the City of Mono Bay's water conservation program for the year 1991. The City's water conservation program is designed to reduce water consumption and conserve water resources.

1. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
2. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
3. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
4. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
5. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
6. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
7. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
8. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
9. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:
10. The City of Mono Bay is currently conducting a water conservation program. The program is designed to reduce water consumption and conserve water resources. The program is being implemented in the following areas:

Chapter 13.20

BUILDING LIMITATION*

Sections:

- 13.20.010 Intent and findings.
- 13.20.020 Definitions.
- 13.20.030 Responsibilities of the planning director.
- 13.20.040 Responsibilities of the planning commission.
- 13.20.050 Responsibilities of the city council.
- 13.20.060 Submission of annual report by the planning director.
- 13.20.070 Water equivalency table.
- 13.20.080 Allocation of water equivalency units to projects.
- 13.20.090 Nontransferability of water equivalency units.
- 13.20.100 Time limit for using water equivalency units.

*Prior ordinance history: Ords. 154, 166, 223 and 256.

13.20.010 Intent and findings.

A. The intent of this chapter is to regulate the addition of new water users to the city's water system, whether new construction, expansions or new occupancies, to ensure that demand for water shall not exceed available supply and that the pace of allocating the available water supply to new users is reasonable and orderly.

B. The city of Morro Bay presently has a limited amount of water resources; this fact is not only recognized by the city but also by the state of California in various actions of the California Coastal Commission limiting new development within the city limits. New water users must be regulated, accordingly, to ensure that demand does not exceed supply and that the pace of development using available water is orderly and reasonable.

The regulations established by this chapter may effectively limit the number of housing units which may be constructed on an annual basis, but such limitation is necessary to protect the public health, safety and welfare. If water use exceeded supply and adequate water were not available to users, there could result in increased fire hazard, adverse impacts on commerce, industry and recreation, and the public health, safety and welfare would generally be jeopardized.

By "development that occurs in an orderly fashion" is meant development which can be served by public utilities, including but not limited to water resources and delivery systems; which encourages infill in existing developed parts of the city rather than in large undeveloped areas along the perimeter of the community; and, which helps to implement the policies and priorities articulated in the city general plan and local coastal program.

Similarly, the public health, safety and welfare is promoted by regulating the pace of new development so that it occurs in an orderly fashion. Such development helps preserve the community's character, enhances the attractiveness of the city, better implements adopted plans, policies and priorities for the physical growth of the city, and tends toward a more efficient use of available resources including but not necessarily limited to water and water delivery systems. (Ord. 265 (part), 1985)

13.20.020 Definitions.

The following definitions shall be used for interpreting this chapter:

- A. "Project" means new construction, additions to existing facilities, changes or intensification of use or occupancies in an existing facility, or demolition and replacement of existing facilities.
- B. "Water equivalency program" means a program adopted each year that establishes the total number of water equivalency units to be allocated for the coming year, and the method of dispersing and administering water equivalency units through the year.

C. "Water equivalency table" means a table that indicates the average annual water use of different land uses that is used in calculating how many water equivalency units a proposed project needs.

"Water equivalency units" means a unit of measure for water use equal to the average amount of water used by a single-family residence over the period of one year.

Water equivalency units are established to assist the city in regulating the addition of new water users to the city's limited water system.

Since 1977, one water equivalency unit has been considered as equal to ten thousand seven hundred eighty cubic feet of water per year. (Ord. 265 (part), 1985)

13.20.030 Responsibilities of the planning director.

The planning director is charged with:

A. Submitting an annual report to the city council and planning commission pursuant to Section 13.20.050;

B. Calculating the water equivalency units required by individual projects;

C. Monitoring the water equivalency program during each year;

D. Periodically updating the basis for a water equivalency unit and the water equivalency table and adjusting them based on significant changes of water consumption by land use type;

E. Developing operating procedures for the administration of the water equivalency program; such procedures shall be subject to annual review by the city council. (Ord. 265 (part), 1985)

13.20.040 Responsibilities of the planning commission.

A. The planning commission is charged with:

1. Reviewing the planning director's annual report and recommending a water equivalency program to the city council;

2. Reviewing operating procedures developed by the planning director and making recommendations on the same to city council;

3. Allocating the water equivalency units established for the year to projects, in accordance with the approved water equivalency program. (Ord. 265 (part), 1985)

13.20.050 Responsibilities of the city council.

A. By January 15th of each year, the city council shall adopt a water equivalency program for that calendar year by resolution.

B. The city council shall also review the operating procedures for administration of the water equivalency program developed by the planning director. (Ord. 265 (part), 1985)

13.20.060 Submission of annual report by the planning director.

A. In December of each year, and subsequently in the following year based on a significant change in the water availability situation or recalculation of use by type of activity, the planning director shall submit a report to the city council and planning commission outlining the number of uses receiving equivalencies that year and the number of equivalencies distributed.

B. The annual water equivalency program shall not conflict with the Authorized Water Recovery Allocation Model as approved by the California Coastal Commission, while said model remain in effect.

C. The planning commission shall consider this report and forward it to the city council with its recommendations. The city council shall thereafter hold a public hearing and shall take action to adopt a water equivalency program for the year. (Ord. 265 (part), 1985)

13.20.070 Water equivalency table.

A. A water equivalency table shall be developed and incorporated in this chapter by resolution as Exhibit "A." The water equivalency table shall indicate the average annual water use of different land uses and building types relative to that of a single-family dwelling, and shall be expressed in water equivalency units.

3b. For retrofit proposals for which twenty-five percent or fewer of the required equivalencies will be saved by retrofitting commercial and/or industrial buildings, fifty percent of the equivalencies saved by the retrofit or other approved conservation measures shall be credited to the subject project; fifty percent of the equivalencies shall be available to augment the overall water equivalency program for distribution under the applicable allocation system.

3c. For retrofit proposals for which more than twenty-five percent of the required equivalencies will be saved by retrofitting commercial and/or industrial buildings, one-third of the equivalencies saved by the retrofit or other approved conservation measures shall be credited to the subject project, two-thirds shall be available to augment the overall water equivalencies program for distribution under the applicable allocation system.

4. This option shall not include replacement by private developers of leaky water mains (said replacement of all such main and the accompanying allocation of equivalencies is subject to the conditions of approval for Coastal Development Permit No. 4-81-309.A (as amended) granted to the city of Morro Bay by the California Coastal Commission).

5. In order to better implement city objectives and policies to promote infill development, only projects defined as infill pursuant to the definition adopted in the operating procedures shall be eligible to obtain equivalencies pursuant to this section.

6. The director shall prepare guidelines for the administration of retrofit program which shall be reviewed at least once a year by the city council and which shall be subject to council's approval.

7. Once a year, in January, the director shall submit a report to the city council summarizing the experience to date of all retrofit proposals. Prior to submission to the council, such reports shall be reviewed by the water advisory board (WAB), and all recommendations made by the WAB shall be included among the materials submitted to the council. Based on these reports and WAB recommendations, the council may modify the guidelines for the program as deemed appropriate.

8. In any program under which the city assists developers in locating structures to be retrofitted, priority shall be given to residences of low-income households.

D. If a project needs to obtain water equivalencies pursuant to the equivalency program, the project proponent shall make application for the equivalency in the form of a completed application for a building permit and shall be submitted to the community development department, provided, however, that for projects which do not require a building permit, a letter requesting the required equivalencies shall be submitted to the department instead. The director shall determine the number of water equivalency units needed by the proposed project. The director shall periodically forward requests to the planning commission for allocation of available water equivalency units, in accordance with the annual water equivalency program.

E. The planning commission shall allocate the required water equivalency units to the proposed project only if it can make the following findings:

1. The project is consistent with city planning regulations; all applicable local discretionary permits shall be approved prior to a project's being eligible to receive equivalencies;

2. There are enough water equivalency units available to be allocated to the specific type of use for which application has been made;

3. A water equivalency unit allocation to the proposed project is consistent with the water equivalency program adopted for the year;

F. Applications for equivalencies will be reviewed by the planning department and considered for water equivalency allocations on the basis of time and the date of receipt of the completed application by the community development department. (Ord. 305, 1987; Ord. 273, 1985; Ord. 265 (part), 1985)

13.20.090 Nontransferability of water equivalency units.

A. A water equivalency unit shall be awarded only to a specific project in a specific location. Minor amendments to projects which do not change the type or intensity of use may be approved without loss of equivalencies so long as the project site and project proponent do not change.

B. A water equivalency unit that has been allocated to a specific project cannot be transferred to another project, property, or person until approved for final occupancy pursuant to subsection H of this section; except, however, that transfer to a new person may be allowed under the following circumstances, subject to city council approval:

1. Death of the project proponent, in which case the equivalencies may be transferred to the legal heirs; or
2. Bankruptcy of the project proponent, in which case the equivalencies may be transferred to the creditors along with other project entitlement;

3. In both cases set out in subdivisions 1 and 2 of this subsection, the council may also authorize the transfer of the equivalencies along with other project entitlements to a new developer.

C. Additionally, in cases of personal hardship not involving the death of the project proponent or bankruptcy, the council may also authorize the transfer of the equivalencies and other project entitlements to a new developer.

D. Personal hardship shall be defined as follows:

1. Unforeseeable circumstances beyond the control of the project proponent which place the proponent so near to bankruptcy that denial of the hardship application would force the proponent into bankruptcy;

2. A long-term serious illness or disability which incapacitates the proponent from completing the project.

E. A personal hardship may only be approved by the council, after review by the planning commission.

F. Application for transfer of equivalencies as part of a hardship shall be made in writing by the project proponent and that following information shall be provided:

1. Nature of personal hardship;
2. Cause of hardship;
3. Circumstances of the personal hardship to justify the request.

G. A project proponent must be the record owner of a property in order to be eligible to obtain water equivalencies.

H. Equivalencies shall run with the project and the property and, except as provided above, may be transferred to a new person after final occupancy has been approved by the city. The project which has been approved by the city for phased development, equivalencies may be transferred with the project to a new person after a phase has been approved for final occupancy. (Ord. 291 Exh. A, 1986; Ord. 265 (part), 1985)

13.20.100 Time limit for using water equivalency units.

A. If water equivalency units have been awarded to a project by the planning commission, that award shall remain in force for the period in which the building permit is valid. The equivalency granted shall expire one hundred eighty days from the date of award if a building permit is not secured; or, one hundred eighty days from the issuance of a building permit if construction is not commenced. Construction shall proceed with due diligence. If water equivalencies are granted for occupancy or use not involving a building permit, such use or occupancy shall commence within one hundred eighty days of the award.

B. Extensions of this time limit or reissuance of expired water equivalency units can be granted by the planning commission only if the applicant can prove to the satisfaction of the planning commission that application for all necessary permits and construction were delayed due to hardship. In all cases the water equivalency permit shall expire two years from the date it is issued.

C. The time limits of this section shall not be applicable to partial awards; that is, the award of equivalencies in an amount less than the full number required for a project to proceed. Time limits shall be calculated from that time a project is granted all equivalencies necessary for proceeding. (Ord. 265 (part), 1985)

EXHIBIT A
WATER EQUIVALENCY TABLE
REVISED OCTOBER 1990
Morro Bay Community Development Department

<u>LAND USE</u>	<u>AVERAGE WATER USE RATE</u>		<u>UNIT FACTOR</u>
	Cubic Feet Per Year Per Unit Factor	Usage Equated to Water Equivalency Per Unit Factor	Per 1000 Sq. Ft./ or Seat/ or Unit/* or Site**
.....			
<u>Automotive Services</u>			
Auto Garage (no gas)	1,800	.17	sq. ft.
Service Sta. w/mini mkt	9,900	.92	sq. ft.
Service Sta. w/o mkt	7,200	.67	sq. ft.
<u>Banks & Financial Inst.</u>			
Banks & Savings & Loan	4,200	.39	sq. ft.
<u>Bldg Mat'ls & Lumber Yard</u>			
Lumber Yard	16,700	1.55	Site
Plant Nurseries	2,300	.21	Sales Area/sq. ft.
<u>Eating & Drinking Places</u>			
Bars	7,400	.69	sq. ft. or
	400	.04	seat
Restaurants	22,200	2.06	sq. ft. or
	800	.07	seat
24 Hour Restaurant	39,300	3.65	sq. ft. or
	1,700	.16	seat
Fast Food (Take-Out)	41,000	3.80	sq. ft. or
	1,400	.13	seat
Pizza (Take-Out Only)	3,200	.30	sq. ft.
<u>Food Stores</u>			
Bakeries/Ice Cream	4,600	.43	sq. ft.
Supermarkets			
(over 10,000 sq.ft.)	2,200	.20	sq. ft.
Mini - Markets	4,100	.38	sq. ft.
Liquor Stores	2,700	.25	sq. ft.
<u>Health Services</u>			
Medical Dr. Offices	6,100	.57	sq. ft.
Misc. Medical (Chiro- practor,optometrist)	2,800	.26	sq. ft.
Mixed Medical	4,900	.45	sq. ft.
Veterinarians	9,500	.88	sq. ft.
<u>Hotels & Motels</u>			
Hotel & Motels	5,300	.49	Unit
<u>Industrial/Storage</u>			
Industrial Laundry	85,400	7.92	sq. ft.
Light Industrial	1,000	.09	sq. ft.
Storage/Mini-Storage	500	.05	sq. ft.
Upholstery Shops	3,000	.28	sq. ft.
<u>Institutions & Organizations</u>			
Churches	300	.03	Site/sq. ft.
Fraternal Organizations	2,500	.23	sq. ft.
Yacht Club	11,500	1.05	sq. ft.

EXHIBIT A
WATER EQUIVALENCY TABLE - PAGE 2

<u>LAND USE</u>	<u>AVERAGE WATER USE RATE</u>		<u>UNIT FACTOR</u>
	Cubic Feet Per Year Per Unit Factor	Usage Equated to Water Equivalency Per Unit Factor	Per 1000 Sq. Ft./ or Seat/ or Unit/* or Site**
.....			
<u>Marine Oriented</u>			
Marine Service/Supply	4,100	.38	sq. ft.
Seafood Processors			
w/salt water use	33,600	3.13	sq. ft.
w/o salt water use	47,800	4.43	sq. ft.
<u>Offices (non-medical)</u>			
Offices - General	1,600	.15	sq. ft.
Offices - Complex	1,600	.15	sq. ft.
Real Estate Offices	1,600	.15	sq. ft.
<u>Personal Services</u>			
Barber/Beautician	8,000	.74	sq. ft.
Car Washes (self-serve)	17,400	1.61	Bay
Dry Cleaners (off-site)	10,800	1.00	sq. ft.
Laundromats	102,800	9.54	sq. ft.
Mortuaries	10,000	.93	Site
<u>Residential (No Change)</u>			
Single Family Home	10,780	1.00	Unit
Duplex Unit	8,400	.78	Unit
Condominium Unit	6,900	.64	Unit
Apartment Unit	5,800	.54	Unit
Trailer/Mobile Home	4,900	.46	Unit
<u>Retail</u>			
Art Supply Store/Studio	1,600	.15	sq. ft.
Auto Parts & Supplies	1,600	.15	sq. ft.
Candle Shops	1,600	.15	sq. ft.
Gifts & Clothing	1,600	.15	sq. ft.
Florists	1,600	.15	sq. ft.
Furniture/Antiques	1,600	.15	sq. ft.
Hardware/Related	1,600	.15	sq. ft.
Pharmacies	1,600	.15	sq. ft.
Variety	1,600	.15	sq. ft.
Misc. Similar Retail	1,600	.15	sq. ft.
Farm & Feed Supply	800	.07	sq. ft.
Pet Stores	4,100	.38	sq. ft.
<u>Social Services</u>			
Day Care Facilities	15,500	1.44	sq. ft.
<u>Misc. Uses</u>			
Theater	100	.01	Seat
Printer/Newspaper	2,400	.22	sq. ft.
.....			

* UNIT FACTOR IS DEFINED AS FOLLOWS:

- ° Per 1,000 square feet: Generally, the square foot ratio refers to the gross building area, unless otherwise indicated.
- ° Per Seat: Seating refers to the number of actual seats, not the maximum capacity.
- ° Per Unit: Unit refers to each individual residential unit or motel room.
- ° Per Site: The site refers to the gross area to be occupied by the land use, including buildings, parking areas and landscaping.

** WATER EQUIVALENCY is defined as the average amount of water used by a single family residence - currently 10,780 cubic feet rounded to the nearest hundreds for cubic feet and hundredths for water equivalencies.

RESOLUTION NO. 18-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA,
ADOPTING A WATER ALLOCATION PROGRAM AND AVAILABILITY FEES FOR 1990

T H E C I T Y C O U N C I L
City of Morro Bay, California

WHEREAS, Chapter 13.20 of the Morro Bay Municipal Code, calls for the City Council of the City of Morro Bay to adopt a yearly Water Allocation Program based on a report by the Community Development Director after review by the City of Morro Bay Planning Commission; and

WHEREAS, Ordinance Number 266, also know as Measure "F", and adopted by the voters in 1984, requires the City Council to set an annual limit on new residential units and to prescribe the mix of multi-family and single family residences allowed within that limit, after review and recommendation by the Planning Commission of the City of Morro Bay; and

WHEREAS, on December 13, 1989 and on December 18, 1989, the Water Advisory Board and Planning Commission of the City of Morro Bay, respectively, did review the Director's report on the 1989 Water Allocation Program and proposed 1990 Water Allocation Program and did forward recommendations on the same to the City Council of the City of Morro Bay; and

WHEREAS, on January 8th and 22nd, 1990 the City Council did hold duly noticed PUBLIC HEARINGS on the proposed 1990 Water Allocation Program and suggested limits for 1990 under Ordinance Number 266.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council of the City of Morro Bay hereby receives and accepts the 1989 Annual Water Report as submitted by the Community Development Director and attached hereto; and
2. A Water Allocation Program for 1990 is hereby adopted by the City Council of the City of Morro Bay containing the following elements:
 - a. The multi-phased mandatory water conservation program established by Ordinance No. 352, shall be continued as a means of responding to short-term water supply problems.
 - b. A building program for 1990 shall be permitted consistent with the limits established by Measure F and subject to future water awards by the City Council. A 70 unit residential development limit is set for 1990, of which 50 shall be for single family residences and 20 for multi-family units.

- c. Release of any portion of the 1990 allocation shall be withheld until March 26, 1990 at which time the City Council shall consider a first quarter award
- d. The "blend" program which utilizes pipeline water savings for 50% of the water required for new development shall be available in 1990. The remaining 50% of water required shall be obtained by each applicant using the off-site retrofit program.
- e. The offsite water fixture(s) retrofit program savings ratio is adjusted to require a 2:1 savings be demonstrated for each new project. Installation of 1.5 gallon flush toilets is required in all new development, and retrofit of existing 3.5 and 5 gallon toilets is encouraged in order to conserve the City's water supply and extend the life of the retrofit program.
- f. Availability fees for the water equivalency program are modified to delete the "credit" now provided for the retrofit program. The combined fee for all water and sewer connections is hereby set at \$6,325.00, as follows:

FEES PER WATER EQUIVALENCY

Water Availability Charge	\$3,575.00
Sewer Availability Charge	<u>2,750.00</u>
Total	\$6,325.00

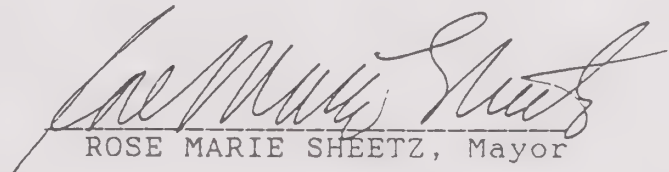
PASSED, APPROVED, AND ADOPTED, by the City of Morro Bay City Council, at a regular meeting held on this 13th day of February, 1990, by the following vote:

AYES: Baker, Lemons, Odell, Wuriu, Sheetz


NOES: None

ABSTAIN: None

ABSENT: None


ROSE MARIE SHEETZ, Mayor

ATTEST:


ARDITH DAVIS, City Clerk

1989 AMENDED GUIDELINES FOR RETROFIT PROGRAMS

1. Any retrofit program must be related to a new project proposal. All proposed new residential projects must comply with the procedures of the long-term waiting list. (CC Res.# 14-89) In order to submit a retrofit program to the City for consideration, the applicant must indicate the specific project to which the earned equivalencies would be applied. At a minimum, prior to accepting a proposed retrofit program for review, a completed application for all necessary local discretionary permits needed by the development project to which the equivalencies earned by the retrofit will be credited, must be submitted to and approved by the Community Development Department.
- 1990
modified
TO 2:1 Savings
Required
2. Applicants may participate in 1) a full retrofit program whereby they shall show a savings 1.5 times the full equivalency needed by the proposed project; or 2) a blend retrofit program whereby the project proponent shall obtain one half of the water award through the off-site retrofit at a 1.5 savings ratio and the other half of the award through the pipeline replacement program. (CC Res.# 14-89)
3. Any project for which a retrofit program is being proposed must meet the criteria of "infill" as defined in the City's water model operating procedures and as referenced by Measure "F".
4. A successful retrofit program shall have the following components:
 - a. A list of the addresses and description of all buildings to be retrofitted.
 - b. Written permission of the property-owners of the buildings to be retrofitted. Both the project proponents and property owners shall sign a written, standardized "hold harmless" clause to protect the City from any liability resulting from the retrofit program.
 - c. A list of all existing fixtures to be retrofitted and their present associated water flow (eq: gallons/minute or gallons/flush). A list of all proposed fixtures to be installed and their associated water flow.
 - d. Estimated annual water savings resulting from the proposed retrofit; all calculations and assumptions must be shown. All estimates must be reasonable; where

a range of outcomes is possible, factors in the calculations shall be conservative. All estimates are subject to review and approval by the Community Development Director.

- e. The new fixtures must be as permanent in nature as practical.
 - f. Retrofit must generally be comprehensive (ie: all fixtures in the buildings should be retrofitted, as practical. Exceptions can be approved for special circumstances or preferences. Generally speaking, for example, showers and sink faucets should be upgraded, at a minimum). Retrofit measures, however, need not be limited to existing residential uses.
 - g. The retrofit should include a leak detection test in each building; all leaks shall be repaired. Savings from leak correction shall not be calculated in the estimates of savings.
- 5. All programs shall be submitted to the director for review for conformance with the standards noted above. The director shall notify the applicant by letter of the retrofit approval.
 - 6. Projects will be credited with two-thirds (2/3) the number of equivalencies estimated to be saved by the retrofit upon completion of an approved program. (CC Res.# 14-89) The other one-third shall be available to augment the water available through the pipeline replacement program and may be distributed to new uses in accordance with the priority and procedures in the City's approved water allocation model.
 - 7. Before a project for which equivalencies have been earned in this manner may be approved for construction (ie, issued a building permit) the director must find (1) that all necessary equivalencies have been obtained; and 2) that the issuance of the building permit for the project could not violate any of the limits prescribed by Measure "F" for that year.

Upon approval of a retrofit program, the associated development project shall be assigned to one of the following categories: single-family, multi-family (including new subdivisions to be developed as single-family lots), or commercial/industrial.

8. For projects earning equivalencies through a blend retrofit program or a full retrofit program, water and sewer availability fees shall be reduced to compensate for the cost of the retrofitting. Such fees shall be set by the City Council.
9. Prior to installation of new fixtures, the City building division personnel shall inspect the existing facilities to ensure that the fixtures described pursuant to item 3 (c) above are present. A post-retrofit inspection shall also be required to ensure that the new fixtures have been installed properly. The City may charge appropriate fees for these inspections pursuant to the Uniform Building or Plumbing Codes, a building and/or plumbing permit shall be obtained prior to actual retrofitting.
10. As soon as practical, using data supplied by project proponents, the Community Development Department shall develop a table of standard expected water savings form different types of retrofit fixtures. The staff shall monitor actual water usage in retrofitted structures and compare it to the estimates. The tables of expected water savings shall be adjusted from time to time, if warranted by actual water usage data, as experience with the retrofit program increases.
11. The one-third of the equivalencies saved which is not used directly by a project shall be held by the City in reserve, as a "bank" of water equivalency credits. The director shall include in his annual report on the water equivalency program an update of the status of this bank. The Council, however, may choose at any time to use this bank to augment the water available through the pipeline replacement program for allocation, within the limits set by Measure "F".
12. Minor changes to these guidelines made by the City may be approved by the Executive Director of the Coastal Commission, without a permit amendment. More substantial changes may require an amendment of this permit.

RETROFIT

STEP BY STEP PROCESS

1 APPLICANT

PREPARES THREE PERMIT APPLICATIONS AND
PAYS ALL APPLICATION FEES REQUIRED

1. OFF-SITE RETROFIT APPLICATION
SETS UP FIRST INSPECTIONS WITH
BUILDING OFFICIAL
 2. ADMINISTRATIVE COASTAL PERMIT
APPLICATION (CDP) TO INCLUDE
A MINIMUM, PLOT PLAN,
FLOOR PLAN, AND ELEVATIONS.
 3. BUILDING PERMIT APPLICATION TO
INCLUDE COMPLETE WORKING DRAWINGS,
(may be submitted following CDP
approval)
-

2 BUILDING OFFICIAL

REVIEWS OFF-SITE & PERFORMS 1ST
INSPECTIONS

OFFICE COORDINATOR

APPLICATIONS DEEMED COMPLETE ARE
REFERRED TO DIRECTOR FOR APPROVAL.
APPLICANT IS NOTIFIED.

3 CITY PLANNER

REVIEWS COASTAL DEVELOPMENT PERMIT (CDP)
AND ANY OTHER DISCRETIONARY
APPLICATIONS FOR COMPLETENESS.
COMPLETED APPLICATIONS ARE
SCHEDULED FOR ADMINISTRATIVE APPROVAL.
APPLICANT IS NOTIFIED.

4 DIRECTOR

APPROVES RETROFIT APPLICATION

STAFF NOTIFIES APPLICANT

NOTICE INDICATES NEXT STEPS
IN PROCESS. (IE: COASTAL PERMIT
APPROVAL PRIOR TO INSTALLATION OF
FIXTURES)

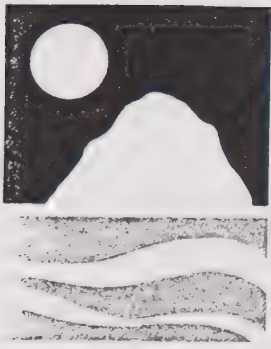
5 APPLICANT

ONCE COASTAL PERMIT IS APPROVED AND
APPEAL PERIOD EXPIRES (DATE IS PROVIDED
IN LETTER) MAY COMMENCE THE EXCHANGE OF
RETROFIT FIXTURES

WHEN FIXTURES ARE INSTALLED APPLICANT
REQUESTS SECOND INSPECTION

6	BUILDING OFFICIAL	PERFORMS SECOND INSPECTIONS. NOTIFIES APPLICANT OF STATUS, IF APPROVED OR IF PROBLEMS EXIST.
7	APPLICANT	SUBMITS BUILDING PERMIT APPLICATION IF NOT ALREADY DONE MUST INCLUDE COMPLETE SET OF WORKING DRAWINGS.
8	BUILDING OFFICIAL	NOTIFIES APPLICANT OF PLAN CHECK FEES
9	APPLICANT	PAYS APPROPRIATE PLAN CHECK FEES
10	BUILDING OFFICIAL	COMMENCE PLAN CHECK THROUGH VARIOUS DEPARTMENTS; IE: BUILDING, PLANNING, PUBLIC WORKS AND FIRE
11	DIRECTOR	UPON COMPLETION OF 2ND INSPECTION REPORTS RETROFIT APPROVALS AND EQUIVLANCIES TO BE AWARDED TO PLANNING COMMISSION BY LETTER AWARDS WATER EQUIVALENCIES PRIOR TO ISSUANCE OF A BUILDING PERMIT
12	BUILDING OFFICIAL	ISSUES PERMIT SIGNED BY APPROPRIATE PERSONNEL
13	APPLICANT	MUST COMMENCE CONSTRUCTION WITHIN 180 DAYS OF PERMIT ISSUANCE





City of Morro Bay

595 Harbor St. • Morro Bay, CA 93442-1900 • 805-772-1214

FOR USE BY
COMMUNITY DEVELOPMENT DEPT.

Application No. _____
Date Received _____ By _____
Date Filed _____ By _____
Application Fee _____
Receipt No. _____

APPLICATION FOR APPROVAL OF OFFSITE RETROFIT PROGRAM

Applicant's Name _____

Mailing Address _____

Phone No. (Day) _____

Agent (if any) _____

Mailing Address _____

Phone No. (day) _____

Applicant's or
Agent's Signature _____ Date _____

Project to which equivalencies will be credited:

Project description _____

Case Nos. (CDP and CUP if applicable): _____

Project address: _____

APN: _____

Note: No retrofit program may be approved unless the equivalencies earned by the retrofit will be used for a specific project (eg: a new house at a specific location); all discretionary approvals (eg: coastal permit or CUP, if applicable) for the project must be obtained prior to or at the same time as approval of the retrofit program. If you change the project for which the retrofit equivalencies will be used or its location, a new application must be filed for the project prior to or at the same time as approval of retrofit program.

Retrofit Application

Applicant's Name _____

CITY HALL
595 Harbor Street

FIRE DEPARTMENT
715 Harbor Street

PUBLIC WORKS
695 Harbor Street

HARBOR DEPARTMENT
1275 Embarcadero

POLICE DEPARTMENT
850 Morro Bay Blvd.

RECREATION AND PARKS
1001 Kennedy Way

Detailed Information

On separate sheets, the applicant must provide the following information. Failure to submit these items as specified will result in the finding that this application is incomplete, delaying processing.

1. List of all properties to be retrofitted including addresses, APN's and description of existing use(s) on each site.
2. Permission forms signed by each property owner of the above listed properties. The Department can supply you with these forms.
3. List of the specific fixtures or devices to be retrofitted on each property. Include number of existing fixtures and their flow rates (eg: 1 toilet with 5 gallons/flush, 1 showerhead with 5 gallons/minute, etc.) List all toilets, showers, lavatories and sinks on-site whether they are to be retrofitted or not.

List all corresponding new fixtures or devices proposed to be installed and their respective flow rates.

4. If you are using commercial properties to obtain your retrofit savings you must also include a calculation of the estimated savings. (ie: use of site; number of employees; if a restaurant, number of seating etc., and using this information, estimate the amount of water to be saved).

To be filled out by the Community Development Department:

Number of equivalencies needed for project: _____

Date filed: _____ Fee paid: _____
(date) (receipt no.)

PLEASE NOTE: the retrofit program remains untested and controversial and may be discontinued or modified at any time if the City Council deems it appropriate. Thus, your submission and/or our receipt of this application should not in any way be construed as an entitlement or guaranty that water will be available through the retrofit option for this project or that a building permit will be issued.

OFF-SITE RETROFIT AGREEMENT

I (We) _____, being the record
owner(s) of the real property located at _____,
(property address)
Morro Bay, California, being more particularly described as
Assessor's Parcel Number (APN) _____ - _____ - _____, do hereby
grant permission to _____ herein referred
to as "the developer", or his/her agent, to provide and install
water saving flow restrictors and water saving toilets. The
specific flow restrictors and toilets to be installed on the
property are:

All new flow restrictors and toilets are to be installed pursuant to City of Morro Bay Building and Plumbing Code Standards. Once all new flow restrictors and toilets are installed, the developer or his/her agent(s) shall also provide a leak detection test on the said property; and all leaks, if any, shall be repaired, in a manner approved by the City Building Official.

The owners of record and their successors, assigns, and grantees agree to indemnify the City of Morro Bay from any and all claims, loss, and/or cost in connection with, caused by, or related to failure of the developer or his/her agent(s) to comply with the terms of this agreement, to perform the above-described work or by the work or workmanship of the developer or his/her agent(s).

DATED: _____

----- (owner's telephone) -----

----- (signature of owner(s)) ----- (occupant's telephone) -----

OFF-SITE RETROFIT PROGRAM WORKSHEET

1. PROJECT ADDRESS/APN: _____

2. APPLICANT/AGENT: _____

3. INSTALLATION PERFORMED BY: _____

TELEPHONE NO: _____

4. WATER CLOSET BRAND: (MUST BE 1.5 GAL) _____

5. EQUIVALENCIES NEEDED _____

6. OFF-SITE RETROFIT LOCATIONS:

7. REQUIRED TO SAVE _____

ADDRESS/APN	USE OF STRUCTURE	NO. OF TOILETS/ FLOW RATES	SAVINGS	NO. OF SHOWERS	SAVINGS	NO. OF KITCHEN SINKS	SAVINGS	NO. OF BATHROOM SINKS	SAVINGS	SAVINGS PER STRUCTURE
1. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
11. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

TOTAL SAVINGS THIS PAGE: _____

RETROFIT

Answers to Common Questions

1. How much water do I have to save?

- The City uses the Water Equivalency Table "A" to determine the amount of water equivalencies specific projects need. A single family residence, for example, needs one (1) water equivalency unit.

The Retrofit Program requires that an applicant save twice the amount that their project needs, so in the case of a proposal to construct a single family home, the applicant would be required to save two (2) water equivalency units (weu).

2. How many homes would I have to retrofit to save two (2) weu?

- Please see the attached worksheet which gives examples of the types of homes which can be retrofitted and the number it would take to save 2 weu. Depending on the type of homes retrofitted, ie: all one bath homes, all two bath or a combination of both, it would require retrofitting anywhere from 11 to 20 residences.

3. What is the approximate cost to retrofit one residence?

- Please contact a Plumbing Contractor for this information.

4. Does the City maintain a list of homes which need to be retrofitted?

- The City maintains a list of homes which have been retrofitted. It is unknown how many property owners of homes not yet retrofitted would be willing to participate this program. A Citizen Initiative Prevents the retrofitting of any home previously retrofitted.



RETROFIT WORKSHEET EXAMPLE - PROVIDES EXAMPLES OF HOW TO FIGURE SAVINGS
AS LISTED ON RETROFIT CALCULATION SHEET

OFF-SITE RETROFIT PROGRAM WORKSHEET

1. PROJECT ADDRESS/APN: Any TOWN, USA / 00-000-00
3. INSTALLATION PERFORMED BY: George Anderson
4. WATER CLOSET BRAND: _____
6. OFF-SITE RETROFIT LOCATIONS:

2. APPLICANT/AGENT: Bob Jones / Tom Smith
- TELEPHONE NO: (...) 000-0000
5. EQUIVALENCIES NEEDED 1 EQ. / MUST SAVE 2 EQ.

(FOR THIS EXAMPLE TYPE OF HOME IS LISTED HERE)

ADDRESS/APN	USE OF STRUCTURE	NO. OF TOILETS/ FLOW RATES	SAVINGS	NO. OF SHOWERS	SAVINGS	NO. OF KITCHEN SINKS	SAVINGS	NO. OF BATHROOM SINKS	SAVINGS	SAVINGS PER STRUCTURE
1. <u>2-5gal toilets / 2 Showers</u> *(11 SFR = 2.17 weu)	<u>SFR</u>	<u>2/5 gal</u>	<u>.13</u>	<u>2</u>	<u>.05</u>	<u>1</u>	<u>.005</u>	<u>2</u>	<u>.0125</u>	<u>.1975</u>
2. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
3. <u>2-5gal toilets / 1 Shower</u> *(11 SFR = 2.06 weu)	<u>SFR</u>	<u>2/5 gal</u>	<u>.13</u>	<u>1</u>	<u>.04</u>	<u>1</u>	<u>.005</u>	<u>2</u>	<u>.0125</u>	<u>.1875</u>
4. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
5. <u>1-5gal toilet / 1 Shower</u> *(14 SFR = 2.03 weu)	<u>SFR</u>	<u>1/5 gal</u>	<u>.09</u>	<u>1</u>	<u>.04</u>	<u>1</u>	<u>.005</u>	<u>1</u>	<u>.01</u>	<u>.145</u>
6. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
7. <u>2-3.5 gal toilet / 2 Shower</u> *(15 SFR = 2.06)	<u>SFR</u>	<u>2/3.5 gal</u>	<u>.07</u>	<u>2</u>	<u>.05</u>	<u>1</u>	<u>.005</u>	<u>2</u>	<u>.0125</u>	<u>.1375</u>
8. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
9. <u>2-3.5 gal toilet / 1 Shower</u> *(16 SFR = 2.06)	<u>SFR</u>	<u>2/3.5 gal</u>	<u>.07</u>	<u>1</u>	<u>.04</u>	<u>1</u>	<u>.005</u>	<u>2</u>	<u>.0125</u>	<u>.1275</u>
10. _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
11. <u>1-3.5 gal toilet / 1 shower</u> *(20 SFR = 2.10)	<u>SFR</u>	<u>1/3.5 gal</u>	<u>.05</u>	<u>1</u>	<u>.04</u>	<u>1</u>	<u>.005</u>	<u>1</u>	<u>.01</u>	<u>.105</u>

TOTAL SAVINGS THIS PAGE: _____

* Indicates the No. of this type of residence to retrofit
To earn at least 2 equivalency units (weu)

RETROFIT FORMULA FOR CALCULATING WATER SAVINGS UNDER RETROFIT

Use the following formula for estimating water equivalencies savings:

- replace 5 gal toilet with new 1.5 gal = .09
- second new toilet in same residence (43% of 1st) = .04
- replace 3.5 gal toilet with new 1.5 gal = .05
- second new toilet in same residence (43% of 1st) = .02
- replace 4 gpm showerhead with new 2.75 or less = .04
- second new showerhead in same residence (29% of 1st) = .01
- new lavatory/ 2.75 gpm or less = .01
- second new lavatory/ same residence (25% of 1st) = .0025
- new kitchen sink with 2.75 gpm or less = .005

Use the following formulas for fixtures which save more than those listed above (eg: 1 gallon/flush toilet):

- for new toilet: $(.035) + [(A-B-1.5) \times (.03)] = \underline{\hspace{2cm}}$
- for second toilet in same residence 43% of savings = $\underline{\hspace{2cm}}$
- for new showerhead: $(.01) + [(A-B-2) \times (.02)] = \underline{\hspace{2cm}}$
- for second showerhead in same residence 29% of savings = $\underline{\hspace{2cm}}$
- for new lavatory: $(.01) + [(A-B-2.5) \times (.008)] + \underline{\hspace{2cm}}$
- for second new lavatory in same residence 25% of savings = $\underline{\hspace{2cm}}$
- for kitchen sink: $(.005) + [(A-B-2.5) \times (.004)] = \underline{\hspace{2cm}}$

Where A= flow rate or capacity of old fixture to be replaced (eg: 5.0 gallon/flush or 5.0 gallons/minute flow) and where B= flow rate or capacity of the new fixture to be installed (eg: 1 gallons/flush or 1.25 gallons/minute flow).

RETROFIT FIT SAVINGS MUST MEET 2:1 RATIO

Note: No additional credit is given for additional toilets, showers, or lavatories beyond 2, however all of each type of fixture must be retrofitted to get credit for any of that type of fixture (eg: all toilets must be retrofitted or no credit for any toilets).

ORDINANCE NO. 352

AN ORDINANCE AMENDING TITLE 14 OF THE
MORRO BAY MUNICIPAL CODE REQUIRING THE
INSTALLATION OF ULTRA-LOW FLUSH AND FLOW FIXTURES
IN ALL NEW CONSTRUCTION AND WHEN REPLACING
PLUMBING FIXTURES IN EXISTING STRUCTURES

T H E C I T Y C O U N C I L

City of Morro Bay, California

THE CITY COUNCIL of the City of Morro Bay makes the following findings:

WHEREAS, water is a precious commodity and finite resource in limited supply in the central coast area and especially within the City of Morro Bay; and

WHEREAS, the City of Morro Bay may be coming perilously close to exceeding the safe yield of water available to the City; and

NOW, THEREFORE, for purposes of water conservation and the exercise of proper stewardship over the municipal water resources of the City of Morro Bay, the City Council of the City of Morro Bay, California does hereby ordain as follows:

1. Morro Bay Municipal Code Section 14.24.050 is hereby amended in its entirety to read as follows:

14.24.050 Requirements of water saving fixtures.

This section shall apply to all new construction for which a building permit is required, and to the replacement of plumbing fixtures within existing structures. Remodeling which does not involve replacement of existing plumbing fixtures shall be exempt from the provisions of this section. In cases where the building official determines the use of such fixtures in existing structures would fail to meet uniform plumbing code standards, fixtures using the least amount of water which do meet the uniform plumbing code standards shall be utilized. In all cases, only toilets, urinals, and flushometer valves approved by the California Department of Housing and Community Development, pursuant to the provisions of Section 17921.3 of the California Health and Safety Code, shall be utilized.

A. Toilets designed to use a maximum of one and one-half (1.5) gallons of water per flush shall be utilized.

B. Shower heads and lavatory and kitchen sink faucets designed to use a maximum of two and three-quarters (2.75) gallons of water per minute shall be utilized.

C. Urinals and associated flushometer valves designed to use a maximum of one and one-half (1.5) gallons of water per flush shall be utilized.

D. The manufacturer's name and model of each type of water saving fixture to be utilized shall be supplied to the building department before installation.

2. Section A of this Ordinance shall not take effect until 01 January 1990.

PASSED, APPROVED, AND ADOPTED on this 12th day of June, 1989 by the following vote:

AYES: Baker, Lemons, Odell, Wuriu, Sheetz

NOES: None

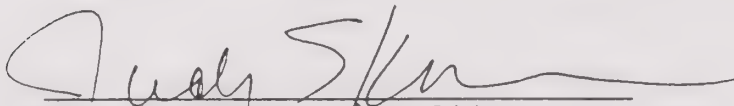
ABSENT: None


ROSE MARIE SHEETZ, Mayor

ATTEST:


ARDITH DAVIS, City Clerk

APPROVED AS TO LEGAL FORM AND EFFECT:


JUDY SKOUSEN, City Attorney

ORDINANCE NO. 375

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY,
ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO THE MORRO BAY
MUNICIPAL CODE CHAPTER 13.20.

THE CITY COUNCIL
City of Morro Bay, California

The City Council of the City of Morro Bay does ordain as follows:

Section 1. The Council does hereby make the following findings:

1. Current provisions of Chapter 13.20 regarding the length of time water equivalency awards remain valid are not consistent with the time periods associated with the time periods of conditional use permits, and coastal development permits which run for periods of not less than one year. This inconsistency creates unnecessary confusion and hardship for applicants and project proponents, and also causes unnecessary administrative work for the City in tracking equivalency expiration dates; and
2. Experience by the City in administering the water allocations in recent years has shown that existing use permit, coastal development permit and ministerial processes contain adequate time limits and controls to ensure the orderly and timely usage of water equivalency awards granted by the city, and that separate time limits on water equivalency awards serve no practical purpose; and
3. Adjusting the time period for which water equivalency awards are valid to conform with time limits on other approvals granted for the same project will contribute to the overall coordination, efficiency, convenience and rationality of the entire process, and will help better comply with the intent of the state's Permit Streamlining Act; and

Section 2. Chapter 13.20, Section 13.20.100 of the Morro Bay Municipal Code is amended as follows:

13.20.100 Time limit for using water equivalency units.

- A. If water equivalency units have been awarded to a project by the planning commission, that award shall remain in force for the period in which all applicable (related) discretionary and/or ministerial or administrative approvals are valid.

- B. Any extensions granted to such permits prior to their expiration shall automatically extend the water equivalency award to the new expiration date. Expiration of a project's conditional use permit or coastal development permit or other ministerial or administrative approvals shall result in the expiration of water equivalency units awarded the project. Allocation of water equivalency units expiring in this manner cannot be reinstated. In such cases, new water allocations must be obtained for new or reactivated projects on a property.

INTRODUCED at a regular meeting of the City Council of the City of Morro Bay held on the 9th day of July, 1990, by motion of Council member Baker and seconded Councilmember Lemons.

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay at a regular meeting held thereof on the 23rd day of July, 1990 by the following roll call vote:

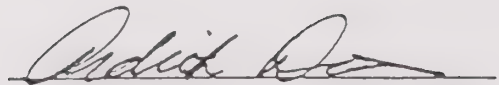
AYES: Lemons, Odell, Wuriu, Sheetz

NOES: None

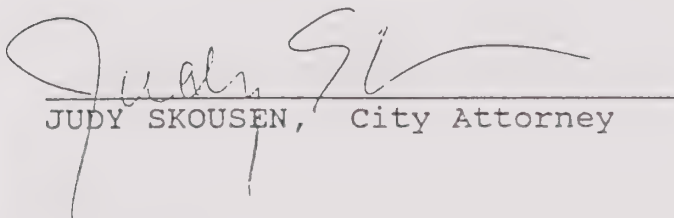
ABSENT: Baker


ROSE MARIE SHEETZ, MAYOR

ATTEST:


ARDITH DAVIS, CITY CLERK

APPROVED AS TO FORM:


JUDY SKOUSEN, City Attorney

ORDINANCE NO. 336

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MORRO BAY AMENDING SECTIONS 13.04.330
AND 13.04.340 OF THE MORRO MUNICIPAL CODE, AND
ADOPTING REVISED MANDATORY WATER CONSERVATION MEASURES

T H E C I T Y C O U N C I L

City of Morro Bay, California

WHEREAS, the City of Morro Bay obtains the entirety of its municipal water supply from groundwater wells in the underflows of Morro and Chorro Creeks; and

WHEREAS, the rainfall which occurred the last two winters was insufficient to adequately recharge the aquifers from which the water supply is drawn; and

WHEREAS, unprecedented intense agricultural irrigation upstream of City wells in the Chorro Basin has contributed to the depletion of said aquifers; and

WHEREAS, due to said depletion of the aquifers the pumping capacity of the City wells has been reduced by nine percent; and

WHEREAS, said pumping capacity may continue to decline to the point where the City may not be able to assure a sufficient supply of water to provide for its municipal demand without immediate change in demand or weather patterns; and

WHEREAS, by Resolution 107-88, the City Council of the City of Morro Bay did determine and declare the municipal water level to be low, and did adopt certain mandatory water conservation measures; and

WHEREAS, it is necessary for the immediate preservation of the public peace, health and safety that the City amend Section 13.04.330 to be able to enforce said mandatory water conservation measures to the fullest extent of the law, in order to ensure an adequate water supply for the citizens of the City of Morro Bay.



NOW THEREFORE, the City Council of the City of Morro Bay does ordain as follows:

1. In accordance with Government Code Section 36937, the City Council makes each and all of the listed findings and statements set forth above.

2. Section 13.04.330 is amended to read as follows:

When deemed necessary in the judgment of the City Council to conserve water during low water level months, or during flood water conditions, which may contaminate city wells, the City Council may by resolution declare an emergency condition and do any or all of the following which in its judgment is deemed advisable after publication of notice thereof is given by the City to users:

A. Limit irrigation within the city water service area to specified hours, or prohibit irrigation entirely within the service area;

B. Hold all customers inside the water service area of the City to specified maximum usages of water for each category of users;

C. Provide adequate water to customers for all purposes except drinking and cooking, and require users to supply their own drinking and cooking water.

D. Take any other action which the City Council deems necessary to: protect the public health or safety; prevent contamination of City wells or other sources of City water; or ensure an adequate City water supply.

E. The Council may provide for exemptions to any conservation measure or other adopted pursuant to this section.

It shall be unlawful for any person to violate any conservation or other measure imposed by the City Council pursuant to this section. Violation of any such conservation or other measure, shall constitute a violation of this section. (Ord. 13 Section 1 (part), 1965: prior code Section 9126A (part)) Failure to comply with any conservation or other measure adopted pursuant to this section may result in termination of water service. No water service shall be terminated until the Public Works Director has notified in writing the customer the reasons for the proposed termination, and given the customer an opportunity to respond, either orally or in writing.

3. Section 13.04.340 is amended to read as follows:

If the City Council adopts a resolution declaring the water level low or any emergency in the water system as set out in Section 13.04.320 and 13.04.330, the Public Works Director is authorized and directed to take any or all of the following actions which in his judgment will best conserve water during the duration of the emergency:

A. Specify the days and/or hours during which water users may irrigate, to take effect after publication of notice thereof in a newspaper of general circulation distributed in the City or after written notice thereof is given by the City to users;

B. If there is a failure to comply with the limitation on irrigation, the Public Works Department shall turn off the water of any such violator; provided, the Public Works Director shall not terminate any water service until the director gives notice in writing to the customer of the reasons for the proposed termination, and given the customer an opportunity to respond, either orally or in writing;

C. If in the judgment of the Public Works Director, there is flagrant waste of water (such as but not limited to water running down gutters), the Public Works Department shall turn off the water of said user; provided, the Public Works Director shall not terminate any water service until the director gives notice in writing to the customer of the reasons for the proposed termination, and given the customer an opportunity to respond, either orally or in writing;

D. If an owner of property is notified in writing by the Public Works Director of leaks in the water line on the owner's property and has not repaired said leaks within three days after said notification, the Public Works Department shall turn off the water on said property until the leak is repaired;

E. If specified maximum usages of water are set by the City Council during low water months or other emergency conditions in the water system, and if any customer uses more than the specified maximum usage for his category, then such a violation shall result in the penalty applied to said customer in the amount of three dollars per one hundred cubic feet of water used over the specified maximum usage for his category during the period of emergency conditions;

F. Prohibit the filling or refilling of swimming pools, hot tubs, or spas, to take effect upon written notification thereof by the City to users.

4. The following revised mandatory conservation measures are hereby adopted:

A. USE OF WATER WHICH RESULTS IN GUTTER RUNOFF IS PROHIBITED.

1. No water shall be used for cleaning of driveways, patios, parking lots, sidewalks, streets, or other such uses.

2. Washing cars by use of a hose is prohibited. Use of a bucket is permitted, and then subject to non-wasteful applications.

3. Hose down of buildings, washing of windows except by bucket, or similar activities is prohibited.

B. Outdoor Irrigation

1. NO outdoor irrigation is permitted between the hours of 10:00 AM and 4:00 PM.

2. Irrigation of landscaping and gardens is permitted at even-numbered street addresses only on Wednesdays and Sundays, and at odd-numbered street addresses only on Tuesdays and Saturdays. All consumers are requested to use no more water than necessary to maintain landscaping.

3. Irrigation of City parks and public school landscaping is prohibited.

C. Marinas and Waterfront Installations

1. Use of fresh water to wash down boats, docks, or other incidental activities is prohibited.

2. All hose bibs shall have spring-loaded shut-offs or similar controlling devices.

D. Restaurants shall serve drinking water in response to a specific request by a customer.

E. Filling or refilling of swimming pools, hot tubs, or spas is prohibited.

F. Use of potable water for compaction or dust control purposes in construction activities is prohibited.

G. Newly-planted landscape or newly-seeded/sodded lawns installed prior to 21 September 1988 may be temporarily exempted from the provisions in B2, provided the owner/tenant establish documentation satisfactory to the City conclusively proving the planting date. Any temporary exemption shall expire when the planting is sufficiently estab-

lished to survive with twice per week watering. All other conservation measures remain applicable during the temporary exemption.


5. That the City Council hereby adopts Ordinance No. 336 as an urgency ordinance which shall take effect immediately upon its adoption.

PASSED AND ADOPTED, this 10th day of October, 1988, by the following roll call vote:

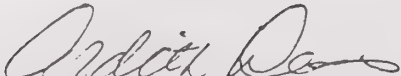
AYES: Donnelly, Odell, Sheetz, Reddell

NOES: None

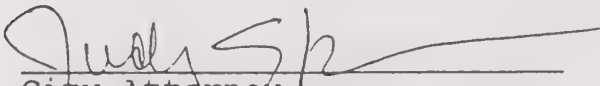
ABSENT: Lemons


DALE REDDELL, Mayor

ATTEST:


ARDITH DAVIS, City Clerk

APPROVED AS TO FORM:


City Attorney
City of Morro Bay

ORDINANCE NO. 347

AN ORDINANCE AMENDING CHAPTER 13,04 VII OF THE MORRO BAY
MUNICIPAL CODE AND ORDINANCE NO. 366; INSTITUTING REVISED
MANDATORY WATER CONSERVATION MEASURES

T H E C I T Y C O U N C I L

City of Morro Bay, California

WHEREAS, the City of Morro Bay obtain the entirety of its municipal water supply from groundwater wells in the underflows of the Morro and Chorro Creek Basins; and

WHEREAS, annual rainfall has from time to time been insufficient to adequately recharge the aquifers from which the water supply is drawn; and

WHEREAS, unprecedented intense agricultural irrigation upstream of City wells in the Chorro Basin can contribute to the depletion of said aquifers, thereby reducing the pumping capacity of the City wells; and

WHEREAS, the City of Morro Bay will continue to be critically close to the capacity of maximum appropriative consumption of 1723.5 acre feet per year in the foreseeable future; and

WHEREAS, it is necessary for the immediate preservation of the public peace, health and safety that the City of Morro Bay amend Section 13.04. VII of the Morro Bay Municipal Code to institute and enforce mandatory water conservation measures to the fullest extent of the law in order to ensure an adequate water supply for the citizens of the City of Morro Bay.

NOW, THEREFORE, the City Council of the City of Morro Bay, California does hereby ordain as follows:

1. In accordance with Government Code Section 36937, the City Council makes each and all of the listed findings and statements set forth above.
2. Paragraph 4 of Ordinance No. 336 is deleted.
3. Section 13.04.350 is hereby added to the Municipal Code and shall read as follows:

13.04.350 Mandatory Water Conservation Requirements

A. Normal Water Supply Conditions.

1. Outdoor water use for washing vehicles, boats, paved surfaces, buildings or other similar uses shall be attended and have hand-controlled water devices, typically including spring-loaded shutoff nozzles.
2. Outdoor irrigation resulting in excessive gutter runoff is prohibited.
3. Marinas and waterfront installations: All hoses shall have spring-loaded shutoffs nozzles or similar controlling devices.
4. Restaurants shall serve drinking water only in response to a specific request by a customer.
5. Newly-planted landscaping or newly-seeded lawns installed prior to the date these mandatory conservation requirements are imposed may be temporarily exempted from the provisions of A2, provided the owner/tenant establishes documentation satisfactory to the City conclusively proving the planting date. Any temporary exemption shall expire when the planting is sufficiently established to survive without excessive gutter runoff. All other conservation measures remain applicable during the temporary exemption.

B. Moderately-Restricted Water Supply Conditions.

1. Use of water which results in excessive gutter runoff is prohibited.
2. Outdoor water use for washing vehicles, boats, buildings or other similar uses shall be attended and have hand-controlled water devices, typically including spring-loaded shutoff nozzles.
3. No water shall be used for cleaning driveways, patios, parking lots, sidewalks, streets, or other such uses except where necessary to protect the public health or safety.
4. Outdoor Irrigation
 - a. Outdoor irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m.
 - b. Irrigation of private and public landscaping, turf areas, and gardens is permitted at even-numbered addresses only on Wednesdays and Sundays, and at odd-numbered addresses only on

Tuesdays and Saturdays. All consumers are directed to use no more water than necessary to maintain landscaping.

5. Marinas and waterfront installations.

a. Use of fresh water to wash down boats, docks, or other incidental activities shall be attended and have hand-controlled water devices, typically including spring-loaded shutoff nozzles.

b. All hoses shall have spring-loaded shutoff nozzles or similar controlling devices.

6. Restaurants shall serve drinking water only in response to a specific request by a customer.

7. Newly-planted landscaping or newly-seeded lawns installed prior to the date these mandatory conservation requirements are imposed may be temporarily exempted from the provisions of B1, provided the owner/tenant establishes documentation satisfactory to the City conclusively proving the planting date. Any temporary exemption shall expire when the planting is sufficiently established to survive without excessive gutter runoff. All other conservation measures remain applicable during the temporary exemption.

C. Severely-Restricted Water Supply Conditions.

1. Outdoor Water Use (Except Irrigation)

a. Use of water which results in excessive gutter runoff is prohibited.

b. No water shall be used for cleaning driveways, patios, parking lots, sidewalks, streets, or other such uses except where necessary to protect the public health or safety.

c. Washing cars by use of a hose is prohibited. Use of a bucket is permitted subject to non-wasteful applications.

2. Outdoor Irrigation

a. Outdoor irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m.

b. Irrigation of private and public landscaping, turf areas, and gardens is permitted at even-numbered addresses only on Wednesdays and Sundays, and at odd-numbered addresses only on Tuesdays and Saturdays. All consumers are directed to use no more water than necessary to maintain landscaping.

c. Newly-planted landscaping or newly-seeded lawns installed prior to the date these mandatory conservation requirements are imposed may be temporarily exempted from the provisions of C.2.b., provided the owner/tenant establishes documentation satisfactory to the City, conclusively proving the planting date. Any temporary exemption shall expire when the planting is sufficiently established to survive with twice per week watering. All other conservation measures remain applicable during the temporary exemption.

3. Marinas and Waterfront Installations

a. Use of fresh water to wash down boats, docks, or other incidental activities is prohibited.

b. All hoses shall have spring-loaded shutoff nozzles or similar controlling devices.

4. Restaurants shall serve water only in response to a specific request by a customer.

5. Emptying and refilling of swimming pools and commercial spas is prohibited except to prevent structural damage and/or to comply with public health regulations.

6. Use of potable water for compaction or dust control purposes in construction activities is prohibited.

7. Any dysfunctional water fixtures in public or commercial facilities shall be repaired within three (3) days of receipt of notification by the City.

D. Critical Water Supply Conditions.

The City Council may impose water rationing requirements as it deems appropriate in accordance with Sections 13.04.330 and 13.04.340.

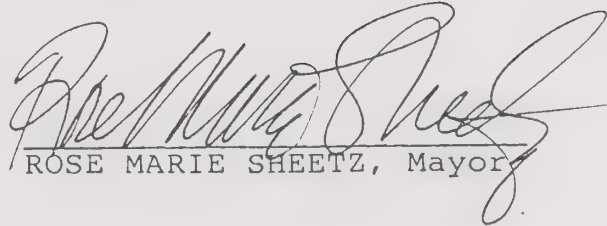
The City Council hereby adopts Ordinance No. 347 as an urgency ordinance which shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this 13th day of March, 1989 by the following vote:

AYES: Baker, Lemons, Wuriu, Sheetz


NOES: None

ABSENT: Odell



ROSE MARIE SHEETZ, Mayor

ATTEST:



ARDITH DAVIS, City Clerk

ORDINANCE NO. 374

AN ORDINANCE OF THE CITY OF MORRO BAY
AMENDING ORDINANCE NO. 347, SECTION 3 AND
MORRO BAY MUNICIPAL CODE SECTION 13.04.345
TO ADD A NEW LEVEL OF MANDATORY WATER
CONSERVATION REQUIREMENTS

T H E C I T Y C O U N C I L
City of Morro Bay, California

WHEREAS, by Ordinance No. 347, Section 3, the City Council of the City of Morro Bay did establish Municipal Code Section 13.04.345 requiring the community to adhere to certain mandatory water conservation practices during certain water supply conditions; and

WHEREAS, said Ordinance No. 347 establishes various levels of conservation requirements based upon the prevailing water supply conditions; and

WHEREAS, it is necessary for the preservation of the health, safety and welfare of the citizens of the City of Morro Bay that the City Council amend Municipal Code Section 13.04.345 to include an additional level of water conservation requirements.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY DOES HEREBY ORDAIN AS FOLLOWS:

- I. In accordance with Government Code Section 36937, the City Council does make each and all of the listed findings and statements set forth above.
- II. Ordinance No. 347, Section 3 and Municipal Code Section 13.04.345.C, Severely Restricted Water Supply Conditions, is hereby amended to add a new paragraph 8 which reads as follows:

8. All visitor-serving facilities in the City of Morro Bay shall prominently display these mandatory water conservation requirements for the benefit and education of visitors to this community. Said display shall be done in a permanent vandal-resistant manner. Visitor-serving facilities shall include, but not be limited to, all motels, restaurants, campgrounds, recreational vehicle parks, mobile home parks, service stations, public restrooms, etc. The owners or managers of said facilities shall distribute to all customers a printed handout or flyer describing these mandatory water conservation requirements. Said handouts or flyers shall be provided to the owners or managers of said facilities by the City free of charge.

III. Ordinance No. 347, Section 3 and Municipal Code Section 13.04.345 is hereby amended to insert a new paragraph D which reads as follows:

D. Critical Water Supply Conditions.

1. Outdoor Water Use (Except Irrigation).

- a. Use of water which results in gutter runoff is prohibited.
- b. No water shall be used for cleaning driveways, patios, parking lots, sidewalks, streets, or other such uses, except where necessary to protect the public health or safety, and then only by use of a bucket of water and brush.
- c. Washing cars or other mobile vehicles and equipment, including trailers and boats on trailers, is permitted only by the use of a bucket of water. No use of hoses, even if equipped with a shut-off nozzle, is permitted.
- d. Use of potable water to wash buildings, houses, or mobile homes is prohibited.

2. Outdoor Irrigation.

- a. Outdoor irrigation is prohibited between the hours of 9:00 a.m. and 5:00 p.m.
- b. Irrigation of landscaping and gardens is permitted at even-numbered addresses only on Wednesdays, and at odd-numbered addresses only on Tuesdays. Non-commercial food-crop gardens are exempt from these restrictions.

3. Marinas and Waterfront Installations.

- a. Use of fresh water to wash down boats or docks, or for other incidental activities is prohibited.
- b. All hoses shall have spring-loaded shut-offs or similar devices, and may be used only to fill water tanks of boats or to flush outboard engines.

4. Restaurants shall serve water only in response to a specific request by a customer.

5. Emptying and refilling swimming pools and spas is prohibited except to prevent structural damage and/or to comply with public health regulations.
 6. Use of potable water for compaction or dust control purposes in construction activities is prohibited.
 7. Any dysfunctional water fixtures in public commercial facilities shall be repaired immediately.
 8. All visitor-serving facilities in the City of Morro Bay shall prominently display these mandatory water conservation requirements for the benefit and education of visitors to this community. Said display shall be done in a permanent vandal-resistant manner. Visitor-serving facilities shall include, but not be limited to, all motels, restaurants, campgrounds, recreational vehicle parks, mobile home parks, service stations, public restrooms, etc. The owners or managers of said facilities shall distribute to all customers a printed handout or flyer describing these mandatory water conservation requirements. Said handouts or flyers shall be provided to the owners or managers of said facilities by the City free of charge.
- IV. The existing Paragraph D of Ordinance No. 347, Section 3 and Municipal Code Section 13.04.345.D, which is entitled "Critical Water Supply Conditions" is hereby re-alphabetized to Paragraph E and is re-titled "Emergency Water Supply Conditions."

THE CITY COUNCIL hereby adopts Ordinance No. 374 as an urgency ordinance which shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Morro Bay
at a regular meeting thereof held on the 23rd day of July, 1990,
by the following roll call vote:

AYES: Lemons, Odell, Wuriu, Sheetz

NOES: None


ABSTAIN: None

ABSENT: Baker



ROSE MARIE SHEETZ, Mayor

ATTEST:



ARDITH DAVIS, City Clerk

ORDINANCE NO. 381

AN ORDINANCE OF THE CITY OF MORRO BAY
AMENDING MORRO BAY MUNICIPAL CODE SECTION 13.04.345
TO EXEMPT COMMERCIAL CAR WASHES FROM PROVISIONS

T H E C I T Y C O U N C I L

City of Morro Bay, California

WHEREAS, on 23 July 1990 the Morro Bay City Council adopted Ordinance No. 374 adding a new Level 4 of the mandatory water conservation requirements; and

WHEREAS, Council has determined the Ordinance should be clarified to exempt commercial car washes from the water conservation requirements; and

NOW, THEREFORE, BE IT RESOLVED Section 13.04.345 D.1.c is hereby amended as follows:

D. Critical Water Supply Conditions

1. Outdoor Water Use (Except Irrigation)

- c. Washing cars or other mobile vehicles and equipment, including trailers and boats on trailers, is permitted only by the use of a bucket of water. No use of hoses, even if equipped with a shut-off nozzle, is permitted. Commercial car washes are exempt from these provisions.

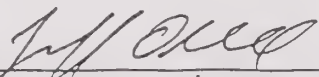
INTRODUCED at a regular meeting of the Morro Bay City Council held on the 10th day of September 1990 by motion of Councilmember Baker and seconded by Councilmember Wuriu.

PASSED, APPROVED, AND ADOPTED by the Morro Bay City Council at a regular meeting held thereof on the 24th day of September, 1990 by the following roll call vote:

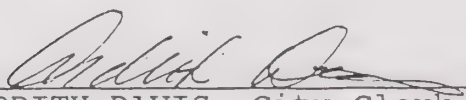
AYES: Baker, Odell, Wuriu

NOES: Lemons

ABSENT: Sheetz


JEFF ODELL, Vice Mayor

ATTEST:


ARDITH DAVIS, City Clerk

RESOLUTION NO. 13-91

DECLARING AN EMERGENCY WATER SUPPLY CONDITION

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City of Morro Bay obtains the entirety of its municipal water supply from groundwater wells in the underflows of the Morro and Chorro Creek basins; and

WHEREAS, annual rainfall has been insufficient to adequately recharge the aquifers from which the water supply is drawn to produce an adequate water supply for the present dry season; and

WHEREAS, the condition of said aquifers has declined to the point where the pumping capacity of the City's municipal wells has become diminished; and

WHEREAS, Morro Bay Municipal Code Sections 13.04.320 et seq. establish the City Council's authority to declare an emergency and impose restrictions on the community's use of water in the event of a water supply shortage; and

WHEREAS, on August 13, 1990 the Morro Bay City Council adopted a contingency water rationing plan to be implemented in the event of a declared water supply emergency; and

WHEREAS, said contingency plan directed that a water supply emergency condition be declared when the Director of Public Works determines the City's municipal water wells are incapable of re-filling overnight the City's water storage tanks due to depleted pumping capability or deteriorated water quality; and

WHEREAS, on February 11, 1991 the Director of Public Works reported to the City Council that the City's municipal water wells may become incapable of re-filling overnight the City's water storage tanks due to depleted pumping capability and deteriorated water quality at any time in the immediate future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay as follows:

1. The City Council of the City of Morro Bay hereby determines the water level to be low within the City water system, and declares an emergency water supply condition.

RESOLUTION NO. 13-91 - EMERGENCY WATER SUPPLY CONDITION
Page Two of Two

2. The regulations set forth herein are necessary and proper in order to protect the water supply for human consumption, sanitation, and fire protection during the duration of the water supply emergency condition.
3. The City Council hereby institutes and imposes water rationing measures on all customers of the City of Morro Bay water system as described in the "Water Rationing Program" attached hereto as Exhibit A.

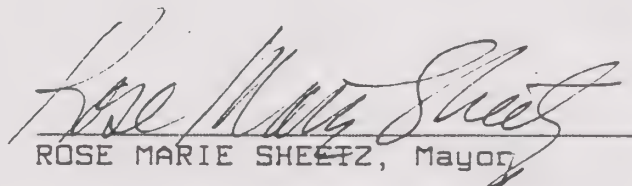
PASSED, APPROVED AND ADOPTED on this 11th day of February, 1991,
by the following vote:

AYES: Baker, Luna, Mullen, Wuriu, Sheetz

NOES: None

ABSTAIN: None

ABSENT None


ROSE MARIE SHEETZ, Mayor

ATTEST:



ARDITH DAVIS, City Clerk

Exhibit A

EMERGENCY WATER SUPPLY CONDITION
WATER RATIONING PROGRAM
(Level 5)

1. The City shall continue rigorous enforcement of the water conservation requirements set forth in Municipal Code Section 13.04.345.D (Level 4 - Critical Water Supply Conditions), provided, however, outdoor irrigation is permitted on Monday, Tuesday, Wednesday, and Thursday.

2. Allowable water use. Water use by customers of the municipal water system shall be limited as follows.

A. Single-family residential: The maximum allowable water use for homes with up to three permanent residents shall be eight (8) billing units per month. One additional unit shall be added for each additional permanent resident.

B. Multi-family residential (apartments & condos): The maximum allowable water use shall be six (6) billing units per month for up to three permanent residents, with one additional unit for each additional permanent resident.

C. Residences claiming more than three persons per household shall be required to provide a written statement to the City Finance Director listing the actual number of permanent residents.

D. Commercial uses: Customers shall be required to cut 15% of their water use of the prior year's usage (or the average of 2 prior years if available) for the same billing period.

E. Irrigation of turf areas, except on residential lots, is prohibited.

3. Surcharge for exceeding the allowable water use.

Customers exceeding their monthly allocations shall be assessed a 50% "surcharge" for the first billing period in which the maximum allowable amount is exceeded; 100% surcharge for the second consecutive billing period in which the maximum allowable amount is exceeded and 200% for the third consecutive billing period in which the maximum allowable amount is exceeded.

4. The City shall place an immediate temporary moratorium on issuing building permits to begin construction of new projects which would accomodate new water use. (This includes restaurant or commercial-type expansions which would increase water use.)

LEVEL 5 EMERGENCY WATER RATIONING PROGRAM
Page Two

5. The appropriateness and reasonableness of all surcharges and the amount allowable to each customer may be appealed in writing to the City's Finance Director or her designee. If the matter is not resolved at that level the matter may then be appealed in writing to a sub-committee of the Council. If the matter is still not resolved it may then be appealed in writing to the full City Council. The Finance Director or her designee is authorized to adjust the surcharge and/or the maximum allowable amount for each appealing customer after considering the individual circumstances and conditions of the customer to insure any such surcharge or maximum allowable amount is reasonable and appropriate for that customer.

6. The above rationing program will not become effective until after a written notice of such program is mailed by the City to water customers and will then commence effectiveness with the next full billing period. The approximate dates upon which the customer's water meter will be read will be included in said notice.

REV. 2-13-91
PER COUNCIL
ACTION

RESOLUTION NO. 87-90

ESTABLISHING CRITICAL WATER SUPPLY CONDITIONS

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City of Morro Bay obtains the entirety of its municipal water supply from groundwater wells in the undeflows of Morro and Chorro Creek Basins; and

WHEREAS, annual rainfall has been insufficient to adequately recharge the aquifers from which the water supply is drawn to produce an adequate water supply for the present dry season; and

WHEREAS, the condition of said aquifers is continuing to decline to the point where the pumping capacity of the City's municipal well system may become diminished; and

WHEREAS, on June 20, 1990 the Water Advisory Board recommended to the City Council that it would be appropriate to immediately implement a fourth level of mandatory water conservation requirements before the necessity to institute emergency rationing measures; and

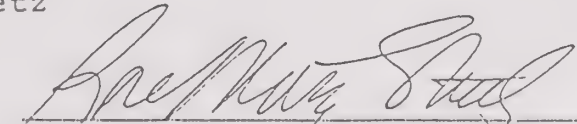
WHEREAS, it is necessary for the immediate preservation of the public peace, health, and safety that the City of Morro Bay implement additional mandatory water conservation measures in order to ensure an adequate water supply for the citizens of the City of Morro Bay.

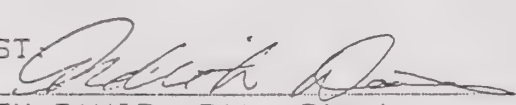
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay as follows:

1. The City Council hereby declares the water supply condition of the City of Morro Bay at this time to be "Critical".
2. The City Council hereby institutes and imposes mandatory water conservation measures on all customers of the City of Morro Bay water system as described in Morro Bay Municipal Code Section 13.04.350.D (Ordinance No. 374), "Critical Water Supply Condition".

PASSED, APPROVED AND ADOPTED on this 23rd day of July, 1990, by the following vote:

AYES: Lemons, Odell, Wuriu, Sheetz
NOES: None
ABSENT: Baker


ROSE MARIE SHEETZ, Mayor

ATTEST: 
ARDITH DAVIS, City Clerk

RESOLUTION NO. 102-91

RESOLUTION ADOPTING EMERGENCY CONTINGENCY PLAN AND REAFFIRMING CITY COUNCIL DECLARATION OF EMERGENCY MADE IN RESOLUTIONS 13-91 AND 28-91 DUE TO FURTHER DEGRADATION OF THE WATER SUPPLY FOR THE CITY OF MORRO BAY

THE CITY COUNCIL

City of Morro Bay, California

WHEREAS, on February 11, 1991 the City Council of the City of Morro Bay did adopt Resolution No. 13-91 (clarified by Resolution 28-91) declaring an emergency water supply condition because of the City's low water supply in that the pumping capacity of the City's wells had diminished to such an extent that the Public Works Director/City Engineer predicted the quality and quantity of water would be insufficient to supply the residents of Morro Bay with potable water; and

WHEREAS, because of such low water conditions, on February 11, 1991 the City Council did impose Level 5 emergency water rationing (the strictest water rationing level) on the citizens of Morro Bay; and

WHEREAS, because of the similar low water conditions during the recent drought, the City installed and operated rented desalination equipment from July 1, 1990 through April 5, 1991; and

WHEREAS, despite receiving approximately 11 inches of rain in March 1991, this amount was insufficient to cure or alleviate the conditions caused by five years of drought; and

WHEREAS, only three of the City's eight wells in the Chorro Basin system are now producing potable water for use for the City's water supply, the remaining five having been taken out of service because of high concentrations of nitrates and selenium and/or lack of water production; and

WHEREAS, the Total Dissolved Solids (TDS) of the combined or blended water from the Morro Basin system is currently metered at 1300 ppm which exceeds the Department of Health Services upper limit of 1000 ppm and approaches the "short term" limit of 1500 ppm when treatment is required; and

WHEREAS, the Public Works Director/City Engineer who has considerable experience and expertise managing the City of Morro Bay's water supply and condition for the last eight years, advised the City Council in November 1990 that this crisis could occur if the drought continued and further advised the city that the March 1991 rains were insufficient to avoid this crisis and it now appears his predictions were accurate; and

WHEREAS, the Public Works Director/City Engineer has advised the City Council the City's water supply system may be insufficient to supply potable water to its citizens near the end of September without an additional outside source of potable water; and

WHEREAS, the City Council did explore all possible alternatives to obtain an additional outside source of water prior to the exhaustion of the City's current water supplies and found the only reliable and dependable source and the most expedient source available to the City to be seawater desalination; and

WHEREAS, based on the facts and conditions made known to the City Council and in reliance on the Declaration of Emergency made by the City Council, the City has proceeded to procure a temporary emergency desalination plant with seawater wells capable of replenishing the city's water when it becomes nonpotable and/or incapable of producing sufficient water to treat.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND DECLARED by the City Council of the City of Morro Bay as follows:

1. The above recitations constitute the findings of the City Council of the City of Morro Bay in this matter.
2. The Declaration of Emergency made by Resolution No. 13-91 as clarified by Resolution No. 28-91 is hereby reaffirmed as having been necessary and appropriate in that the crisis condition which did exist then has gotten worse just as was predicted thereby creating an even greater need for emergency action on the City's part.
3. The crisis condition of the City's water supply system, as it existed in February 1991 and as currently intensified by the high levels of TDS, nitrates and selenium which cause the water to be non potable in a majority of the City's wells and the eminent likelihood that the City will lack sufficient potable water to serve its citizens did then and does now constitute a great public calamity within the meaning of California Public Contracts Code § 20168 and the public interest and necessity warrant the immediate allocation of public money to safeguard life, health and property.
4. The crisis condition of the City's water supply system as described hereinabove did then and does now constitute an emergency within the meaning of California Public Resources Code §21060.3 in that the sudden unexpected appearance of selenium, the sudden rapid increase of nitrate and TDS level involve a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services such as water service and fire

protection and the action of the City Council in procuring a seawater desalination plant was and is necessary to respond to such emergency.

5. The crisis condition of the City's water supply system as described hereinabove did then and does now constitute an emergency and imminent danger within the meaning of the Coastal Act, Public Resources Code §30611 in that the City of Morro Bay is performing the public services of providing water and fire protection to its citizens and is required to protect the life, health and property from imminent danger by immediate action without the necessity of obtaining permits which might otherwise have been required by the Coastal Act.

6. The crisis condition of the City's water supply system as described hereinabove did then and does now constitute a water shortage emergency condition as defined in California Water Code §350 in that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, and fire protection thereby warranting the institution of Level 5 emergency water rationing measures.

7. The crisis condition of the City's water supply system as described hereinabove did then and does now constitute a water shortage emergency condition caused by drought and other conditions as defined in California Water Code §71640 thereby warranting the institution of Level 5 emergency water rationing measures.

8. It is at this time even more urgent, imperative and necessary in order to protect the health, safety and welfare of the people that the City proceed with the temporary emergency seawater desalination plant as rapidly as possible that it be completed and ready to provide potable water to the citizens of Morro Bay when the City's current water systems fail.

NOW, THEREFORE, Staff is hereby directed to take all necessary steps to assure the temporary emergency seawater desalination plant be completed and ready to provide potable water to the citizens of Morro Bay when the City's current water systems are unable to supply sufficient potable water to meet the needs of its citizens.

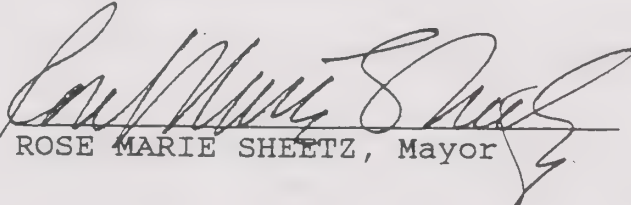
FURTHER, Staff shall draft for Council consideration the necessary Resolution to further restrict the Level 5 rationing per direction received at this meeting.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a special meeting held on the 29th day of August, 1991 by the following vote:

AYES: Baker, Luna, Mullen, Wuriu, Sheetz

NOES: None

ABSENT: None


ROSE MARIE SHEETZ, Mayor

ATTEST:


ELANE NOVAK, Deputy City Clerk

RESOLUTION NO. 103-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY
AMENDING THE LEVEL 5 WATER RATIONING PROGRAM

THE CITY COUNCIL
City of Morro Bay, California

WHEREAS, the City wishes to continue to provide an adequate and reliable water supply; and

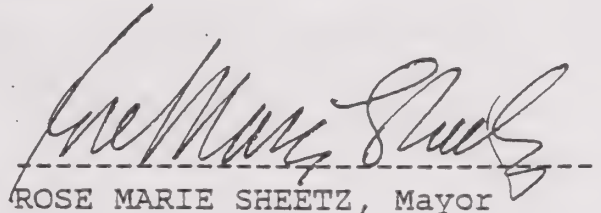
WHEREAS, the City Council by Resolution 13-91 declared a water supply emergency and instituted Level 5 water rationing; and

WHEREAS, water quality deterioration has further restricted the available water supply, and necessitates further reductions in water allotments;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay that the following REVISED WATER RATIONING PROGRAM, Exhibit A, is adopted, effective September 1, 1991.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a special meeting held thereof, this 29th day of August, 1991 by the following roll call vote:

AYES: Baker, Luna, Mullen, Wuriu, Sheetz
NOES: None
ABSENT: None



ROSE MARIE SHEETZ, Mayor

ATTEST:



ELANE NOVAK, Deputy City Clerk

Exhibit A

EMERGENCY WATER SUPPLY CONDITION
REVISED WATER RATIONING PROGRAM
(Level 5)

(Rev 8/29/91)

1. Allowable Water Use. Water use by customers of the municipal water system shall be limited as follows.

A. Single family residential: The maximum allowable water use shall be eight (8) billing units per month for homes with up to three permanent residents. Two additional units shall be added for each additional permanent resident.

(Note: One billing unit = one hundred cubic feet = 750 gallons. Eight billing units per month - 200 gallons per day = 0.88 water equivalencies per year.)

B. Multi-family residential (apartments and condos): The maximum allowable water use per dwelling unit shall be six (6) billing units per month for up to three permanent residents, with two additional units for each additional permanent resident.

C. Mobilehome parks: The maximum allowable water use per dwelling unit shall be 4.25 billing units per month for up to three permanent residents, with two additional units for each additional permanent resident.

D. Residences claiming more than three persons per household shall be required to provide a written statement to the City Finance Director listing the actual number of permanent residents.

E. Commercial and non-residential uses: The maximum allowable water use shall be an amount equal to 85% of the customer's prior water use at that location for the same billing period last year (or the average of the prior two years if available).

2. Surcharge for exceeding the allowable water use. Customers exceeding their monthly allocations shall be assessed a 50% "surcharge" for the first billing period in which the maximum allowable amount is exceeded; a 100% surcharge for the second consecutive billing period in which the maximum allowable amount is exceeded; and a 200% surcharge for the third consecutive billing period in which the maximum allowable amount is exceeded.
3. Any surcharges incurred by customers under the emergency water rationing program prior to 22 April, 1991 shall be waived.
4. The appropriateness and reasonableness of all surcharges and the amount allowable to each customer may be appealed in writing to the City's Finance Director or her designee. If the matter is not resolved at that level the matter may then be appealed in writing to a sub-committee of the Council. If the matter is still not resolved it may then be appealed in writing to the full City Council. The Finance Director or her designee is authorized to adjust the surcharge and/or the maximum allowable amount for each appealing customer after considering the individual circumstances and conditions of the customer to insure any such surcharge or maximum allowable amount is reasonable and appropriate for that customer.
5. The City shall place an immediate temporary moratorium on issuing building permits to begin construction of new projects which would accommodate new water use. (This includes restaurant or commercial-type expansions which would increase water use.)

INITIATIVE PETITION TO ENACT CITY ORDINANCE
TO REFORM WATER ALLOCATION POLICIES

THE PEOPLE OF THE CITY OF MORRO BAY DO ORDAIN AS FOLLOWS:

Section 1. The City shall not allocate water to new use on the basis of:

- (a) any project performed by the City or on City managed property.
- (b) any water savings that was not derived from, or accomplished by, a specific, City approved and contracted project.
- (c) any project, or part thereof, that has previously earned water savings credit for allocation. Thus, a toilet facility, whose retrofit had earned allotment credit, shall not become a factor in a subsequent retrofit credit by another fixture replacement.
- (d) past, present or future replacement of the City water pipes.
- (e) an excess of fifty percent (50%) of that water saved from any project. No more than one half of the savings from a project shall be so allocated.
- (f) an increase in the amount originally contracted for allocation from a project.
- (g) mandated projects, measures or procedures, including compulsory retrofitting of private property and forced rationing of water use.

The word 'project', as used in this Section 1, shall denote any measure, act, process or procedure by which the consumption of potable City water may be assumed or expected to decrease and thereby legally permit the allocation of City water to new use.

Any water allotment to non profit public facilities which are supported by public funds shall be exempt from Section 1a, b and c.

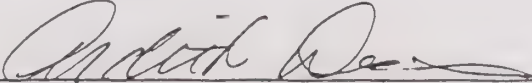
Section 2. If any provision of this ordinance is adjudged invalid by a court of competent jurisdiction, such provision shall be deemed separate, distinct and severable and such adjudication shall not affect the remaining provisions of the ordinance.

Section 3. This ordinance shall supersede all other ordinances, land use policies, guidelines and operating procedures in conflict therewith.

CERTIFICATION

I Ardith Davis, City Clerk of the City of Morro Bay, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by a majority vote of the electors voting in a general municipal election held in the City of Morro Bay on the 6th day of November, 1990.

Dated: January 14, 1991


ARDITH DAVIS, City Clerk
City of Morro Bay, California

ORDINANCE NO. 393

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING
FINDINGS AND ADOPTING AMENDMENTS TO THE MORRO BAY MUNICIPAL CODE
CHAPTER 13.20 TO PROVIDE FOR SPECIAL BUILDING ALLOCATIONS
FOR ON-SITE CONVERSION PROJECTS

THE CITY COUNCIL

City of Morro Bay, California

The City Council of the City of Morro Bay does ordain as follows:

Section 1. The Council does hereby make the following findings:

1. Section 13.20.050 B of the Morro Bay Municipal Code requires the City Council to annually review the operating procedures for administration of the water equivalency program; and
2. The City Council on March 26th, April 9th, June 25th, August 13th, October 22nd, 1990, January 14th, February 25th, March 11th and March 18th, March 25th, April 8th, and April 22nd, 1991 conducted duly noticed PUBLIC HEARINGS to consider the report of the Planning Director recommending certain modifications to the operating procedures currently in effect, and comments of all interested persons wishing to testify; and
3. The addition of new residential development, is regulated on an annual basis by the City Council under the terms of Ordinance 266, with not more than 77 dwellings being permitted in any given year. Prior to any applicants being eligible to submit development proposals for residential projects, the City Council must make a water allocation for the year; and
4. During periods of low rainfall, or for other reasons, the City Council may determine to approve no water allocation, or only a partial water allocation for any given year in order to conserve municipal water supplies; and
5. During such periods, commercial redevelopment, or redevelopment of residential properties may take place under existing code provisions so long as no additional water equivalencies are required, but the addition of new residential uses are not currently allowed, even though no additional water equivalencies may be required; and
6. In certain circumstances, where water equivalencies are present on a parcel due to existing or previous development, redevelopment of the site for additional residential dwelling

units may be possible within existing on-site water equivalencies without adversely affecting municipal water supplies; and

7. In order to allow such projects to proceed during years when no water allocation, or a reduced water allocation is made by the Council, provisions need to be provided in the Municipal Code to ensure conformance with the limitations of Ordinance 266, and to provide fairness and equal opportunity for all applicants consistent with the long term waiting list; and
8. The Environmental Coordinator has reviewed the project and has determined it to be exempt for the purposes of the California Environmental Quality Act (CEQA), and no further documentation is deemed necessary.

Section 2. Chapter 13.20 of the Morro Bay Municipal Code is amended as follows and shown by underlining:

13.20.085 Special Building Allocation

- A. During any calendar year in which the City Council determines not to award all of the water allocations permitted by Ordinance 266, the City Council may by resolution, authorize building permits to be issued for new uses within the limits established in Ordinance 266 to those projects which because they have pre-existing water equivalencies on-site, have no necessity for new water allocation from the City.
- B. Proposals for residential projects which are being converted from former non-residential uses or for residential re-development projects which increase the number of residential units on the property may be eligible to be considered for a Special Building Allocation when those projects:
 1. have sufficient pre-existing water equivalencies on-site due to prior water use on that property; and
 2. are consistent with the annual building allocation established by the Council as required by Ordinance 266;
 3. will not require more water equivalencies than the amount set forth in the "Water Equivalency Table" contained in Morro Bay Municipal Code Section 13.20.070 (Exhibit A) for the current use to be converted.
- C. Upon receipt of a re-development application, and verification by the Planning Director that the proposal conforms to the above requirements and all other requirements of the Morro Bay Municipal Code, the application will be processed in the normal manner required for any necessary discretionary approvals. The Planning Director on a quarterly basis, shall provide the City

Council a list of all re-development projects having obtained all necessary discretionary approvals during that quarter. The Council may authorize the Chief Building Official to issue building permits to such projects in accordance with the limitations of the Special Building Allocation for that calendar year. During each quarterly authorization, those projects highest on the long term waiting list shall have priority over other applicants for access to the available Special Allocation permits, except as set forth in item D. below.

- D. In accordance with and subject to the provisions of Section 13.20.090 of the Morro Bay Municipal Code, and as subsequently amended, projects which qualify as "low and very low income housing" developments shall be given priority to Special Building allocation permits over other applications.
- E. Special Building Allocations will have no unit carry-overs from one calendar year to the next: therefore, in the event that a project requires more units than the number of remaining units available through the allocation, the project proponent may reduce the number of units proposed, or the next project in line that can be satisfied shall receive the award.
- F. Applicants applying to participate in a Special Building Allocation but that fail to meet the criteria above, fail to obtain any required approvals, or that meet the criteria but withdraw their request, shall be returned to their original relative position on the long-term building allocation list.

INTRODUCED at a regular meeting of the City Council of the City of Morro Bay held on the 22nd day of April, 1991, by motion of Councilmember Wuriu, and seconded by Mayor Sheetz.


PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Morro Bay at a regular meeting held thereof on the 13th day of May, 1991 by the following roll call vote:

AYES: Baker, Mullen, Wuriu, Sheetz

NOES: Luna

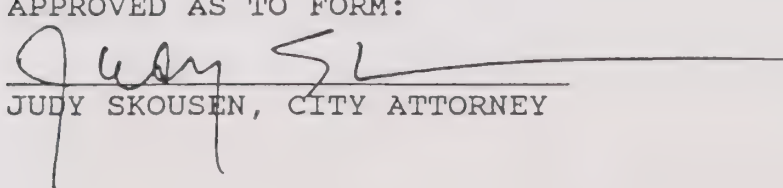
ABSENT: None

ATTEST:


ARDITH DAVIS, CITY CLERK


ROSE MARIE SHEETZ, MAYOR

APPROVED AS TO FORM:


JUDY SKOUSEN, CITY ATTORNEY

ORDINANCE NO. 394

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY ANNOUNCING
FINDINGS AND ADOPTING AMENDMENTS TO THE MORRO BAY MUNICIPAL CODE
CHAPTER 13.20.080 A, B.1, AND B.2

T H E C I T Y C O U N C I L

CITY OF MORRO BAY, CALIFORNIA

The City Council of the City of Morro Bay does ordain as follows:

Section 1. The Council does hereby make the following findings:

1. The procedures to be followed by the Planning Department in determining whether a project or a change in land use will require additional water equivalencies are contained in Section 13.20.080 and in Section VIII of the Water Equivalency Operating Procedures; and
2. The language contained in these two sections is ambiguous and requires clarification and modification to the system of credits of water equivalencies to existing or former uses; and
3. The Planning Commission on October 15th, December 17, 1990 and January 21, 1991 conducted duly noticed PUBLIC HEARINGS to consider the report of the Planning Director recommending certain modifications to the operating procedures currently in effect; and
4. The Planning Commission did on January 21st make recommendations to the City Council; and
5. The City Council on February 11, 1991 and March 11, 1991 did hold a duly noticed PUBLIC HEARINGS to consider the staff report, Planning Commission recommendations and testimony of all interested persons; and
6. The Environmental Coordinator has reviewed the project and has determined it to be exempt for the purposes of the California Environmental Quality Act (CEQA), and no further documentation is deemed necessary.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Morro Bay that Title 13.20.080 of the Municipal Code be amended as follows:

SECTION 2: Chapter 13.20.080 A., B.1. and B.2. are amended to read (existing language to be deleted is struck-through and new language is underlined):

13.20.080 Allocation of water equivalency units to projects

A. No project as defined in this chapter shall be permitted unless it is first reviewed by the community development director to ascertain whether it will increase likely water usage and thereby needs water equivalencies. The director shall use the "water equivalency table" contained in 13.20.070 for determining water equivalencies for various uses. If a particular use is not listed on the table the director, shall estimate equivalencies for that use. Generally, the water usage records of a sample of like uses already operating in the City, shall be used if available. The time frame for the sampling should be at least seven years of use, if available. Any other relevant information may be used in making a reasonable estimate. The Directors' decisions regarding estimates of water usage may be appealed to the Planning Commission. If a proposed project, as defined in this chapter, is found to require water equivalencies, it shall not be approved for construction, or in cases of changes to, or the expansion or intensification of, existing uses, the occupancy shall not be approved until and unless the required water equivalencies have been obtained in accordance with the annual water equivalency program, except as provided herein.

B. The following types of projects shall not be required to obtain equivalencies through the equivalency program:

1. Projects which involve the demolition of a building where the number of water equivalencies required by the new uses is less than or equal to those credited to the demolished building(s). After January 01, 1994, water equivalencies credited to demolished buildings shall be limited to the highest number of water equivalencies credited to legally permitted uses in the buildings within the last ten (10) years, based on the most current water equivalency table contained in Section 13.20.070 of the Morro Bay Municipal Code and any building demolished more than ten (10) years previous shall not be credited with equivalencies;

"Legally permitted" buildings, uses, or occupancies shall mean; any building, use or occupancy for which any required use permit, building permit or business licence had been secured and validated, or any legal non-conforming use.

2. Projects which involve the replacement of a use or occupancy where the number of water equivalencies required by the new use or occupancy is less than or equal to those credited to the use or occupancy being replaced. After January 1, 1994, water equivalencies credited to the existing use or occupancy shall be limited to the highest number of water equivalencies credited to legally permitted uses on the site within the last ten (10) years based on the most current water equivalency table contained in

§13.20.070 of the Morro Bay Municipal Code and any use or occupancy discontinued prior-to--1977 more than (10) years previous shall not be credited with equivalencies;

Introduced at a regular meeting of the City Council of Morro Bay, held on the 11th day of March, 1991, by motion of Councilmember Mullen and seconded by Councilmember Luna.

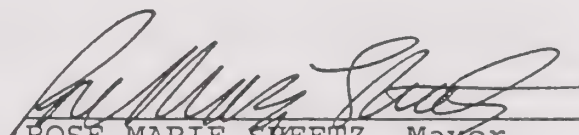
PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 25th day of March, 1991 by the following roll call vote:

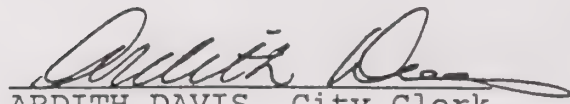
AYES: Luna, Mullen, Wuriu, Sheetz

NOES: Baker

ABSENT: None

ATTEST:


ROSE MARIE SHEETZ, Mayor


ARDITH DAVIS, City Clerk

APPROVED AS TO FORM:

JUDY SKOUSEN, City Attorney

ORDINANCE NO. 395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY
ANNOUNCING FINDINGS AND ADOPTING AMENDMENTS TO THE MORRO BAY
MUNICIPAL CODE ADDING CHAPTER 13.04.348

T H E C I T Y C O U N C I L
CITY OF MORRO BAY, CALIFORNIA

The City Council of the City of Morro Bay does hereby ordain
as follows:

Section 1. The Council does hereby make the following
findings:

1. Water is a precious commodity and finite resource
in limited supply in the central coast area and especially
within the City of Morro Bay; and

2. The City's water supply is so low the city has been
required to institute the "Severely Restricted Water Supply
Conditions" level of water rationing causing much hardship
and inconvenience to the people of Morro Bay, and

3. The City's water supply is so low the city has been
required to install temporary desalination equipment at
great expense to the people of Morro Bay; and

4. It is necessary for the preservation of the health,
safety and welfare of the citizens of Morro Bay that the
city amend Municipal Code by adding section 13.04.348 to
require all property owners to retrofit any structures on
said property upon the sale or transfer of such property,
and

5. Notice and a public hearing were completed pursuant
to Government Code Section 54354.5 prior to the passage of
this ordinance.

Section 2.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City
Council of the City of Morro Bay that Title 13.20. of the
Municipal Code be amended to add a new section 13.04.248 as
follows:

13.04.248 RETROFITTING UPON TRANSFER OR SALE OF PROPERTY

A. Every property owner, prior to sale or transfer of any real property upon which is located any structure connected to the City's water supply, shall retrofit said structure with the water saving devices required for new construction as set forth in Section 14.24.050 of this Code. In cases where the building official determines the use of such fixtures in existing structures would fail to meet Uniform Plumbing Code Standards, fixtures using the least amount of water which do meet the Uniform Plumbing Code Standards shall be utilized.

B. In cases where a buyer intends to demolish all structures on such property within ninety days from the date of transfer, said structure need not be retrofitted prior to transfer provided a covenant and a bond are filed with the City as follows:

1. The property owner shall file with the City Clerk a notarized covenant agreeing to either demolish all structures located on said property connected to the City Water system, within ninety days from the date of transfer or to perform the retrofit required in Section A hereinabove together with a faithful performance bond, in a form and issued by a surety company satisfactory to City in an amount equal to One hundred, fifty percent (150%) of the full cost of retrofitting all such structures securing faithful performance of said agreement.

2. Said agreement shall also authorize and grant the City permission to enter onto said property and to perform such retrofit in the event the property owner fails to do so. Further the property owner shall agree to reimburse city for all cost incurred by City in the event the bond is insufficient.

C. Determination of compliance with the requirements of section A shall be made by a City Building official after an inspection performed by said official or a qualified plumbing contractor under the supervision of said Building Official who shall issue a certificate indicating same to the Seller or Title company involved. Seller shall pay the fee set forth in the Master fee schedule for such retrofit inspection at the time Seller submits the request for the retrofit inspection. No property transfer shall be recorded until such a certificate has been received by the Seller and transferred with title to the Buyer. If noncompliance is found, the property owner (both Seller and Buyer) and any title company involved in the transfer shall be guilty of a violation of this code.

INTRODUCED at a regular meeting fo the City Council of Morro Bay, held on the 11th day of March , 1991, by motion of Councilmember Luna and seconded by Councilmember Wuriu.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 25th day of March , 1991 by the following roll cal vote:

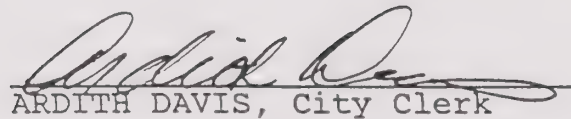
AYES: Baker, Luna, Mullen, Wuriu, Sheetz

NOES: None

ABSENT: None


ROSE MARIE SHEETZ, Mayor

ATTEST:


ARDITH DAVIS, City Clerk

APPROVED AS TO FORM:

JUDY SKOUSEN, City Attorney

JS/nr

mbfeba:

mbfeba:mnrftt

ORDINANCE NO. 266

AN ORDINANCE ESTABLISHING A GROWTH MANAGEMENT PROCEDURE
WHICH WILL ALLOW FAIR DISTRIBUTION OF OUR SCARCE WATER
RESOURCES AND PROTECT THE SMALL TOWN CHARACTER AND
SURROUNDING OPEN SPACE OF THE CITY

Be it ordained by the people of the City of Morro Bay as follows:

SECTION 1. Both the Coastal Commission certified Land Use Plan and the Morro Bay city council-adopted Water Management Plan allow for a city residential population to grow from present 9600 to 12,200 by the year 2000 IF ADDITIONAL WATER RESOURCES OF ADEQUATE QUALITY AND QUANTITY ARE MADE AVAILABLE THROUGH IMPLEMENTATION OF THE WATER MANAGEMENT PLAN. In order to insure even and balanced growth during the 16 year period from January 1, 1985 through December 31, 2000, building permits will be limited to a number permitting an annual increase in population which would achieve the 12,200 person goal by the year 2000. No further residential building will be permitted after a population of 12,200 has been reached unless an increase has been approved by a majority vote at a regular or special election.

SECTION 2. If water and wastewater treatment capacities become available allowing for a population increase beyond 12,200, the growth management procedures of this ordinance may be altered ONLY BY A MAJORITY VOTE OF THE PEOPLE AT A REGULAR OR SPECIAL ELECTION.

SECTION 3. Residential building permits in 1985 will be limited to 70 residential units. The city council, with advice of the planning commission, will determine by January 15 of each calendar year thereafter the mix of multi-unit and single family residential units for that calendar year. The 70 unit ceiling may be increased or decreased by a factor not exceeding 10 percent if necessary to achieve the allotted annual population growth target. The determination of the mix will be based on a study of the historical building permit pattern for the decade prior to 1977 and the years since 1982, plus an estimate of population increase of the previous year. Final adjustment of the building permit limit in each year will be made by the city council after a public hearing.

SECTION 4. In any calendar year the commercial and industrial building permits issued shall not require more than 130% of the water allocated to residential units that year.

SECTION 5. Residential building permit approval will follow Coastal Act priorities for water allocation required by Coastal Development Permit 4-81-309A or as revised after the Coastal Commission review scheduled for December 1984. These priorities shall be reviewed again when the pipe replacement program is completed and necessary amendments submitted to the Coastal Commission.

SECTION 6. For purposes of awarding building permits, only those development proposals which meet the definition of infill now in use for water allocations may be approved. This definition was approved by city council resolution No. 26-84 on March 12, 1984.

SECTION 7. Land Use Plan policies 6.01 through 6.08 have been designed to preserve open space and agricultural land within the city limits. These policies and the zoning ordinances which now implement them may be amended or repealed ONLY BY A MAJORITY VOTE OF THE PEOPLE AT A REGULAR OR SPECIAL ELECTION held after final approval of an amendment or repeal by the city council and prior to submission to the Coastal Commission.

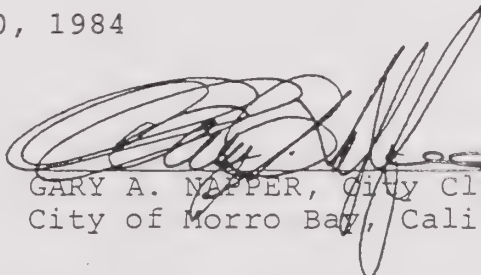
SECTION 8. Nonprofit public facilities (e.g. public buildings, libraries, senior centers, etc.) supported in whole or in part by public funds are exempted from the permit limitations in sections 3 and 4.

SECTION 9. Severance. If any portion of this ordinance is held invalid for any reason by a decision of a court of competent jurisdiction, such portion shall be deemed a separate, distinct and severable portion thereof and such decision shall not affect the validity of the remaining portions.

SECTION 10. This ordinance shall supersede all other ordinances in conflict herewith.

I, GARY A. NAPPER, City Clerk of the City of Morro Bay, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by a majority vote of the electors voting in the general municipal election held in the City of Morro bay on the 6th day of November, 1984.

Dated: November 30, 1984



GARY A. NAPPER, City Clerk
City of Morro Bay, California

PETITION TO CITY COUNCIL CITY OF MORRO BAY SUBMITTING PROPOSED ORDINANCE

City Council of the City of Morro Bay, State of California

Pursuant to Section 4001, California Elections Code, and the attached published notice of intention, we, the undersigned, more than ten per cent of the registered qualified voters of said city, hereby present this petition and request that the following proposed ordinance be passed without alteration by you, or be submitted to a vote of the people at the next regular election. The proposed ordinance reads as follows:

AN INITIATIVE ORDINANCE OF THE PEOPLE OF THE CITY OF MORRO BAY ESTABLISHING A GROWTH MANAGEMENT PROCEDURE WHICH WILL ALLOW FAIR DISTRIBUTION OF OUR SCARCE WATER RESOURCES AND PROTECT THE SMALL TOWN CHARACTER AND SURROUNDING OPEN SPACE OF THE CITY.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF MORRO BAY AS FOLLOWS:

SECTION 1. BOTH THE COASTAL COMMISSION CERTIFIED LAND USE PLAN AND THE MORRO BAY CITY COUNCIL-ADOPTED WATER MANAGEMENT PLAN ALLOW FOR A CITY RESIDENTIAL POPULATION TO GROW FROM PRESENT 9500 TO 12,200 BY THE YEAR 2000 IF ADDITIONAL WATER RESOURCES OF ADEQUATE QUALITY AND QUANTITY ARE MADE AVAILABLE THROUGH IMPLEMENTATION OF THE WATER MANAGEMENT PLAN. IN ORDER TO INSURE EVEN AND BALANCED GROWTH DURING THE 16 YEAR PERIOD FROM JANUARY 1, 1985 THROUGH DECEMBER 31, 2000, BUILDING PERMITS WILL BE LIMITED TO A NUMBER PERMITTING AN ANNUAL INCREASE IN POPULATION WHICH WOULD ACHIEVE THE 12,200 PERSON GOAL BY THE YEAR 2000. NO FURTHER RESIDENTIAL BUILDING WILL BE PERMITTED AFTER A POPULATION OF 12,200 HAS BEEN REACHED UNLESS AN INCREASE HAS BEEN APPROVED BY A MAJORITY VOTE AT A REGULAR OR SPECIAL ELECTION.

SECTION 2. IF WATER AND WASTEWATER TREATMENT CAPACITIES BECOME AVAILABLE ALLOWING FOR A POPULATION INCREASE BEYOND 12,200, THE GROWTH MANAGEMENT PROCEDURES OF THIS ORDINANCE MAY BE ALTERED ONLY BY A MAJORITY VOTE OF THE PEOPLE AT A REGULAR OR SPECIAL ELECTION.

SECTION 3. RESIDENTIAL BUILDING PERMITS IN 1985 WILL BE LIMITED TO 70 RESIDENTIAL UNITS. THE CITY COUNCIL, WITH ADVICE OF THE PLANNING COMMISSION, WILL DETERMINE BY JANUARY 15 OF EACH CALENDAR YEAR THEREAFTER THE MIX OF MULTI-UNIT AND SINGLE FAMILY RESIDENTIAL UNITS FOR THAT CALENDAR YEAR. THE 70 UNIT CEILING MAY BE INCREASED OR DECREASED BY A FACTOR NOT EXCEEDING 10 PERCENT IF NECESSARY TO ACHIEVE THE ALLOTTED ANNUAL POPULATION GROWTH TARGET. THE DETERMINATION OF THE MIX WILL BE BASED ON A STUDY OF THE HISTORICAL BUILDING PERMIT PATTERN FOR THE DECADE PRIOR TO 1977 AND THE YEARS SINCE 1982, PLUS AN ESTIMATE OF POPULATION INCREASE FOR THE PREVIOUS YEAR. FINAL ADJUSTMENT OF THE BUILDING PERMIT LIMIT IN EACH YEAR WILL BE MADE BY THE CITY COUNCIL AFTER A PUBLIC HEARING.

SECTION 4. IN ANY CALENDAR YEAR THE COMMERCIAL AND INDUSTRIAL BUILDING PERMITS ISSUED SHALL NOT REQUIRE MORE THAN 130% OF THE WATER ALLOCATED TO RESIDENTIAL UNITS THAT YEAR.

SECTION 5. RESIDENTIAL BUILDING PERMIT APPROVALS WILL FOLLOW COASTAL ACT PRIORITIES FOR WATER ALLOCATION REQUIRED BY COASTAL DEVELOPMENT PERMIT 4-81-309A OR AS REVISED AFTER THE COASTAL COMMISSION REVIEW SCHEDULED FOR DECEMBER 1984. THESE PRIORITIES SHALL BE REVIEWED AGAIN WHEN THE PIPE REPLACEMENT PROGRAM IS COMPLETED AND NECESSARY AMENDMENTS SUBMITTED TO THE COASTAL COMMISSION.

SECTION 6. FOR PURPOSES OF AWARDED BUILDING PERMITS, ONLY THOSE DEVELOPMENT PROPOSALS WHICH MEET THE DEFINITION OF INFILL NOW IN USE FOR WATER ALLOCATIONS MAY BE APPROVED. THIS DEFINITION WAS APPROVED BY CITY COUNCIL RESOLUTION NO. 26-84 ON MARCH 12, 1984.

SECTION 7. LAND USE PLAN POLICIES 6.01 THROUGH 6.08 HAVE BEEN DESIGNED TO PRESERVE OPEN SPACE AND AGRICULTURAL LAND WITHIN THE CITY LIMITS. THESE POLICIES AND THE ZONING ORDINANCES WHICH NOW IMPLEMENT THEM MAY BE AMENDED OR REPEALED ONLY BY A MAJORITY VOTE OF THE PEOPLE AT A REGULAR OR SPECIAL ELECTION HELD AFTER FINAL APPROVAL OF AN AMENDMENT OR REPEAL BY THE CITY COUNCIL AND PRIOR TO SUBMISSION TO THE COASTAL COMMISSION.

SECTION 8. NONPROFIT PUBLIC FACILITIES (E.G. PUBLIC BUILDINGS, LIBRARIES, SENIOR CENTERS, ETC.) SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS ARE EXEMPTED FROM THE PERMIT LIMITATIONS IN SECTIONS 3 AND 4.

SECTION 9. SEVERANCE. IF ANY PORTION OF THIS ORDINANCE IS HELD INVALID FOR ANY REASON BY A DECISION OF A COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED A SEPARATE, DISTINCT AND SEVERABLE PORTION THEREOF AND SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS.

SECTION 10. THIS ORDINANCE SHALL SUPERSEDE ALL OTHER ORDINANCES IN CONFLICT HERewith.

THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE PRINTED NOTICE OF INTENTION AND ACCOMPANYING STATEMENT:

NOTICE OF INTENT TO CIRCULATE PETITION

BRIEF REVIEW OF MEASURE "F"

In the recent election, Morro Bay voters adopted "Measure F" which established additional growth management procedures for the City. For the most part, Measure F simply reinforces and complements the City's existing growth management regulations, such as the Building Limitation Ordinance (Chapter 13.20 of the Morro Bay Municipal Code), the Coastal Land Use Plan (LUP), and the Coastal Commission-approved Water Recovery Allocation Model.

Measure F will require no immediate changes to any of these existing regulations. However, as will be discussed further below, a potential does exist for an eventual conflict between Measure F and the Allocation Model over the allowable "mix" of residential and non-residential projects. Measure F will require the drafting of an additional set of "operating procedures" to deal with matters like establishing the annual limit for residential units and the ratio of multi-family and single family residences to be permitted. Staff is presently working on such procedures and will be bringing drafts to the Planning Commission and Water Advisory Committee before returning to the City Council with them.

The following is a very brief section-by-section summary of the new ordinance:

Section 1. This section states that no residential building will be permitted after the City's population reaches 12,200, unless an increase is approved by a majority vote. In the near term, this has no effect on current practices. However, if the population continues to grow, care will be necessary to ensure the maximum is not exceeded in the 1990's. Whether the population can grow to the point where this is a concern will largely depend on whether new water resources for such growth becomes available through the implementation of the Water Management Plan. See also Section 3 below which requires annual checks to ensure that the rate of growth is in line with the target of 12,200 by 2000.

Section 2. This section reiterates that even if water and wastewater facility capacities become available for a population beyond 12,200, the ordinance procedures (and presumably the 12,200 limit) can not be exceeded, except by a majority vote of the people.

Section 5. This section simply states that the priorities of the approved allocation model shall continue to be used.

Section 6. This section precludes projects which are not on sites defined as "infill". The existing model places non-infill projects in the lowest priority but does not prohibit them. To date, no non-infill project has applied for water equivalencies.

Section 7. This section references several of the existing LUP policies related to agriculturally designated areas (ie: Williams and Cabrillo properties) and requires a majority vote of the people to amend those policies.

Section 8. This section exempts non-profit, public facilities from the limitations in Sections 3 and 4.

In implementing the limits of the ordinance, it would be reasonable to continue to use equivalencies as the basis for controlling allowable development, recognizing that the award of equivalencies is the last requirement for the issuance of building permits. Also, because the ordinance is intended to manage new growth, it would also seem reasonable that projects which are simply replacement of existing facilities and which do not increase the number of residential units or require additional equivalencies, would be exempt from the limits in the ordinance.

In summary, Measure F appears to have little immediate effect on existing development control practices. Additional operating procedures, and perhaps, an adjustment to the existing allocation model, will be needed. Staff is working on these items and will submit them to the Council for approval, after review by the Planning Commission and the Water Advisory Committee.

Section 3. This section sets the limit on residential construction in 1985 to 70 units. The present allocation program would likely result in fewer than half as many and, thus, no short-term problem is foreseen. If the recent proposal to allow off-site retrofit as a mechanism for earning allocations is approved by the Council and by the Coastal Commission, there is the potential for additional units. Some operating procedures will be necessary, therefore, to help administer the 70 unit limit prescribed by the new ordinance. This does not present an immediate problem, and staff will have a draft of those procedures, shortly.

Starting in 1986, the Council may adjust the 70 unit limit by as much as 7 units up or down if it is deemed necessary to keep the City on line with the target population of 12,200 by 2000.

The Council must also determine the "mix" of single family and multi-family residences among the number of units allowed in a given year.

It would seem that the Planning Director's annual report to the Planning Commission and City Council, and the subsequent adoption of the next year's allocation program as called for in the present Building Limitation Ordinance, would be the reasonable mechanism for implementing this section's requirements for setting an annual residential limit and mix.

Section 4. This section states that commercial and industrial projects approved in a year can not require more than 130 percent of the water allocated to residential units. This means that not more than 57 percent of the equivalencies given out in a year can go to commercial and industrial projects ($130:100 = 57:43$, approx.). This could cause a problem with the existing Water Allocation Model which would allow a much higher percentage to go to non-residential uses, if the demand exists. To date, this has not occurred; and, because of the way the model works, there probably would not be a problem until the fourth quarter of 1985, at the earliest. The staff is presently working on an adjustment to the allocation model for submission to the Coastal Commission, which would better coordinate the two systems.

Again, if the proposal to allow off-site retrofit is approved by the Council and Coastal Commission, there will need to be new administrative procedures for implementing the limits prescribed by Measure F. The staff is working on a draft of those procedures.

U.C. BERKELEY LIBRARIES



C124911146

